THE

CONSTITUTIONAL HISTORY

OF

ENGLAND

SINCE THE ACCESSION OF GEORGE THE THIRD

1760–1860

BY

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THIRD EDITION

WITH A NEW SUPPLEMENTARY CHAPTER

IN THREE VOLUMES—VOL. I.

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PREFACE

TO

THE THIRD EDITION.

The Constitutional History of England, from 1760 to 1860, having been concluded as a complete work, some years since, I have not ventured to disturb the original narrative, by any attempt to continue it to the present time. But more than ten years have since passed, which will ever be memorable in the constitutional history of our country; and in preparing a new edition of this work, I have added a supplementary chapter, in which I have briefly reviewed the more remarkable events of this latter period, in their relations to the history of the previous hundred years, and have endeavoured to measure their influence upon the government and political destinies of England.

September 9th, 1871.

ADVERTISEMENT

TO

THE SECOND EDITION.

THE TEXT of the present edition has been revised, and numerous authorities have been added, chiefly from works published since the completion of the first volume.

April 29, 1863.

PREFACE

TO

THE FIRST EDITION.

It is the design of this history to trace the progress and development of the British Constitution, during a period of one hundred years; and to illustrate every material change,—whether of legislation, custom, or policy,—by which institutions have been improved, and abuses in the government corrected.

The accession of George III. presents no natural boundary in constitutional history: but former reigns have already been embraced in the able survey of Mr. Hallam; and frequent allusions are here made to events of an earlier period, connected with inquiries of the present work.

In considering the history of our mixed government, we are led to study each institution separately, to mark its changes, and observe its relations to other powers and influences in the State. With this view, I have found it necessary to deviate from a strictly chronological narrative, and to adopt a natural division of leading subjects. If this arrange-

ment should appear occasionally to involve an incomplete view of particular events, and repeated references to the same period, under different aspects, I trust it will be found, on the whole, the most convenient and instructive. The form of the work is not the less historical. Each inquiry is pursued throughout the entire century; but is separated from contemporary incidents, which more properly fall under other divisions.

The present volume embraces a history of the prerogatives, influence, and revenues of the Crown; and of the constitution, powers, functions, and political relations of both Houses of Parliament. The second volume will comprise,—among other constitutional subjects,—a history of party: of the press, and political agitation: of the Church, and of civil and religious liberty. It will conclude with a general review of our legislation,—its policy and results,—during the same period.

Continually touching upon controverted topics, I have endeavoured to avoid, as far as possible, the spirit and tone of controversy. But, impressed with an earnest conviction that the development of popular liberties has been safe and beneficial, I do not affect to disguise the interest with which I have traced it, through all the events of history. Had I viewed it with distrust, and despondency, this work would not have been written.

The policy of our laws, as determined by succes-

sive Parliaments, is so far accepted by statesmen of all parties, and by most unprejudiced thinkers, of the present generation, that I am at liberty to discuss it historically, without entering upon the field of party politics. Not dealing with the conduct and motives of public men, I have been under no restraint in adverting to recent measures, in order to complete the annals of a century of legislation.

LONDON: *January* 12, 1861.

CHAPTER II.

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Growth of the influence of the crown.

THE growth of the influence of the crown, at a period in the history of this country when government by prerogative had recently been subverted, and popular rights and liberties enlarged, attests the vital power of the monarchy. At the Revolution, the arbitrary rule of the Stuart kings finally gave way to parliamentary government, with ministerial responsibility. Such a change portended the subjection of future kings to the will of Parliament; but it proved no more than a security for the observance of the law. While the exercise of the royal authority was restrained within the proper limits of the constitution, the crown was shorn of none of its ancient prerogatives; but remained, as it had ever been, the source of all power, civil and ecclesiastical,—'the fountain of honour,'—the first and paramount institution of the state. Its powers, indeed, were now exercised by ministers responsible to Parliament; and the House of Commons was no longer held in awe by royal prerogative. Yet so great were the attributes of royalty, and so numerous

its sources of influence, that, for more than a century after the Revolution, it prevailed over the more popular elements of the constitution. A Parliament representing the people little more than in name, and free, in great measure, from the restraint of public opinion,—which had not yet the means of being intelligently formed, or adequately expressed,—promoted the views of rival parties, rather than the interests of the people. This popular institution, designed to control the crown, was won over to its side, and shared, while it supported, its ascendency. The crown now governed with more difficulty, and was forced to use all its resources for the maintenance of its authority: but it governed as completely as ever.

Meanwhile every accession to the greatness of the country favoured the influence of the crown. By the increase of establishments and public expenditure, the means of patronage were multiplied. As the people grew more wealthy, considerable classes appeared in society, whose sympathies were with 'the powers that be,' and who coveted favours which the crown alone could bestow. And thus the very causes which ultimately extended the power of the people, for a long time served to enlarge the influence of the crown.

Vast and various were the sources of this influence. Its sources. The crown bestowed everything which its subjects most desired to obtain; honours, dignities, places and preferments. Such a power reached all classes, and swayed constituents, as well as Parliaments. The House of Lords has ever been more

closely associated with the crown and its interests than the House of Commons. The nobles of every land are the support and ornament of the court; and in England they are recognised as an outwork of the monarchy,—a defence against the democratic elements of our institutions. The entire body is the creation of the crown. The temporal peers, or their ancestors, have all been ennobled by royal favour: many have been raised to a higher dignity in the peerage; and others aspire to such an elevation. A peerage of the United Kingdom is an object of ambition to Scotch and Irish peers. The spiritual lords owe their dignity to the crown, and look up to the same source of power for translation to more important sees. Nearly all the highest honours and offices are engrossed by the nobility. The most powerful duke, who has already enjoyed every other honour, still aspires to the Order of the Garter. The lord-lieutenancy of a county,—an office of feudal grandeur,—confers distinction and influence, of which the noblest are justly proud.[1] Other great appointments in the state and royal household are enjoyed exclusively by peers and their families; while a large proportion of the state patronage is dispensed by their hands. Their rank also brings them within the immediate reach of court favour and social courtesies, by which the most eminent peers naturally become the personal friends f the reigning sovereign. Accordingly, with some

The peerage

[1] Though the office of Lord-Lieutenant does not date earlier than reign of Edward VI., it resembles the ancient dignity of omes.'

rare exceptions, the House of Lords has always ranged itself on the side of the crown. It has supported the king himself against his own ministers; it has yielded up its convictions at his word; and where party connections have brought it into conflict with a ministry enjoying the confidence of the crown, its opposition has been feeble or compliant.[1] Nor has its general support of the throne been inconsistent with the theory of the constitution.

The Commons.

The Commons, on the other hand, representing the people, are assumed to be independent of the crown, and jealous of its influence. How far these have been their actual characteristics, will be examined hereafter:[2] but here it may be briefly said, that until the reform in the representation of the people in 1832, the counties were mainly under the influence of great and noble families—as they still are, to a considerable extent: a large proportion of the boroughs were either the absolute property of peers and their connections, or entirely under their control; while in many other boroughs the interest of the government was paramount at elections. The cities and large towns alone had any pretensions to independence. Except on rare occasions, when all classes were animated by a strong public opinion, the representation of the people and popular interests was a constitutional theory, rather than an active political force. Had there been no party distinctions, there could scarcely have been an ostensible opposition to any ministers whom the king might have chosen to appoint. Members of

[1] See Chap. V., Peers and Peerage. [2] See Chap. VI.

Parliament sought eagerly the patronage of the crown. Services at elections, and support in Parliament, were rewarded with peerages, baronetcies, offices and pensions. Such rewards were openly given: the consideration was avowed. There were other secret rewards of a grosser character, which need not here be noticed.[1] Nor were constituents beyond the reach of the same influence. The collection and expenditure of an enormous and continually increasing public revenue provided inferior places,—almost without number,—which were dispensed on the recommendation of members supporting the government. Hence to vote with the ministers of the day was the sure road to advancement: to vote against them was certain neglect and proscription.

Loyalty of the people.

To these sources of influence must be added the loyalty of the British people. He must indeed be a bad king, whom the people do not love. Equally remarkable are their steady obedience to the law, and respect for authority. Their sympathies are generally on the side of the government. In a good cause their active support may be relied upon; and even in a bad cause, their prejudices have more often been enlisted in favour of the government than against it. How great then, for good or for evil, were the powers of a British sovereign and his ministers. The destinies of a great people depended upon their wisdom, nearly as much as if they had wielded arbitrary power.

But while these various sources of influence con-

[1] See Chap. VI.

tinued to maintain the political ascendency of the crown, the personal share of the sovereign in the government of the country was considerably restricted. William III., the most able statesman of his day, while representing the principles of the Revolution, was yet his own minister for foreign affairs, conducted negotiations abroad, and commanded armies in the field. But henceforward a succession of sovereigns less capable than William, and of ministers gifted with extraordinary ability and force of character, rapidly reduced to practice the theory of ministerial responsibility.

Restrictions on the personal influence of the sovereign.

The government of the state was conducted, throughout all its departments, by ministers responsible to Parliament for every act of their administration,—without whose advice no act could be done — who could be dismissed for incapacity or failure, and impeached for political crimes; and who resigned when their advice was disregarded by the crown, or their policy disapproved by Parliament. With ministers thus responsible, 'the king could do no wrong.' The Stuarts had strained prerogative so far, that it had twice snapped asunder in their hands. They had exercised it personally, and were held personally responsible for its exercise. One had paid the penalty with his head: another with his crown; and their family had been proscribed for ever. But now, if the prerogative was strained, ministers were condemned, and not the king. If the people cried out against the government,—instead of a revolution, there was merely

Ministerial responsibility.

a change of ministry. Instead of dangerous conflicts between the crown and Parliament, there succeeded struggles between rival parties for parliamentary majorities; and the successful party wielded all the power of the state. Upon ministers, therefore, devolved the entire burthen of public affairs: they relieved the crown of its cares and perils, but, at the same time, they appropriated nearly all its authority. The king reigned, but his ministers governed.

Kings of the House of Hanover.

To an ambitious prince, this natural result of constitutional government could not fail to be distasteful; but the rule of the House of Hanover had hitherto been peculiarly favourable to its development. With George I. and George II., Hanoverian politics had occupied the first place in their thoughts and affections. Of English politics, English society, and even the English language, they knew little. The troublesome energies of Parliament were an enigma to them; and they cheerfully acquiesced in the ascendency of able ministers who had suppressed rebellions, and crushed pretenders to their crown,—who had triumphed over parliamentary opposition and had borne all the burthen of the government. Left to the indulgence of their own personal tastes,—occupied by frequent visits to the land of their birth,—by a German court, favourites and mistresses,—they were not anxious to engage, more than was necessary, in the turbulent contests of a constitutional government. Having lent their name and authority to competent ministers, they acted upon their advice, and aided them by all the means at the disposal of the court.

each other in demonstrations of loyalty and devotion.[1]

The king's education.

The king was naturally ambitious, and delighted in the active exercise of power; and his education,—otherwise neglected,[2]—had raised his estimate of the personal rights of a king in the government of his country. So far back as 1752, complaints had been made that the prince was surrounded by Jacobite preceptors, who were training him in arbitrary principles of government.[3] At that time, these complaints were discredited as factious calumnies: but the political views of the king, on his accession to the throne, appear to confirm the suspicions entertained concerning his early education.

His mother, the Princess Dowager of Wales,—herself ambitious and fond of power,[4]—had derived her views of the rights and authority of a sovereign from German courts; and encouraged the prince's natural propensities by the significant advice of 'George, be king.'[5] Lord Waldegrave, who had been for some time governor to the prince, describes

[1] 'The Earl of Lichfield, Sir Walter Bagot, and the principal Jacobites went to court, which George Selwyn, a celebrated wit, accounted for from the number of Stuarts that were now at St. James's.'—*Walpole's Mem.*, i. 14.

[2] Dodington's Diary, 171. The Princess of Wales said: 'His book-learning she was no judge of, though she supposed it small or useless.'—*Ibid.*, 357; Wraxall's Mem., ii. 39. Walpole's Mem., i. 55. Lord Brougham's Statesmen: *Works*, iii. 11.

[3] See debate in the House of Lords, 22nd March, 1753; Walpole's Mem., iv. 139; Dodington's Diary, 190, 194, 197, 228.

[4] Walpole says, 'The princess, whose ambition yielded to none.' —*Mem.*, i. 12. 'The princess was ardently fond of power, and all its appanages of observance.'—*Adolph. Hist.*, i. 12.

[5] Rockingham Mem., i. 3.

him as 'full of princely prejudices contracted in the nursery, and improved by the society of bed-chamber-women and pages of the back-stairs.'[1]

His groom of the stole, Lord Bute,—afterwards so notorious as his minister,—had also given the young prince instruction in the theory of the British constitution; and knowing little more than the princess herself, of the English people and government, had taught him that his own honour, and the interests of the country, required the extension of his personal influence, and a more active exercise of his prerogatives. The chief obstacle to this new policy of the court was found in the established authority of responsible ministers, upheld by party connections and parliamentary interest. Accordingly, the first object of the king and his advisers was to loosen the ties of party, and break down the confederacy of the great Whig families.[2] The king desired to undertake personally the chief administration of public affairs, to direct the policy of his ministers, and himself to distribute the patronage of the crown. He was ambitious not only to reign, but to govern. His will was strong and resolute, his courage high, and his talent for intrigue considerable. He came to the throne determined to exalt the kingly office; and throughout his long reign he never lost sight of that paramount object.

His determination to govern.

[1] Lord Waldegrave's Mem., 9.

[2] See letter of Sir J. Phillips to Mr. Grenville, Sept. 8, 1763; Grenville Papers, ii. 117, Burke's Present Discontents, *Works*, ii. 231.

palpable, that historical writers of all parties,—while taking different views of its character—have not failed to acknowledge it. The bitterness with which it was assailed at the time was due, in great measure, to political jealousies, and to the king's selection of his friends from an unpopular party: but, on constitutional grounds, it was unquestionably open to the gravest objections.

Constitutional relations of the king to his ministers.

A constitutional government ensures to the king a wide authority, in all the councils of the state. He chooses and dismisses his ministers; and this,—if it be his pleasure,—without the advice of any councillor.[1] Their resolutions upon every important measure of foreign and domestic policy are submitted to his approval; and when that approval is withheld, his ministers must either abandon their policy, or resign their offices. They are responsible to the king on the one hand, and to Parliament on the other; and while they retain the confidence of the king, by administering affairs to his satisfaction, they must act upon principles, and propose measures, which they can justify to Parliament. And here is the proper limit to the king's influence. As he governs by responsible ministers, he must recognise their responsibilities. They are not his ministers only, but also the public servants of a free country. But an influence in the direction of public affairs thus limited, by no mean satisfied the ambition of the king. His courtiers represented that he was enthralled by the

[1] See the Duke of Wellington's views upon this point; Lord Colchester's Diary, iii. 501.

dominant party, which had become superior to the throne itself; and that in order to recover his just prerogative, it was necessary to break up the combination. But what was this, in effect, but to assert that the king should now be his own minister? that ministers should be chosen, not because they had the confidence of Parliament and the country, but because they were agreeable to himself, and willing to carry out his policy?— And this was the true object of the king. It will be seen that when ministers, not of his own choice, were in office, he plotted and manœuvred until he overthrew them; and when he had succeeded in establishing his friends in office, he forced upon them the adoption of his own policy.

His attempts to break up parties

The king's tactics were fraught with danger, as well to the crown itself as to the constitutional liberties of the people: but his personal conduct and character have sometimes been judged with too much severity. That he was too fond of power for a constitutional monarch, none will now be found to deny: that he sometimes resorted to crafty expedients, unworthy of a king, even his admirers must admit. But he had kingly virtues,—piety, courage, constancy, and patriotism. With a narrow understanding and obstinate prejudices, he yet laboured, honestly, for the good government of his country. If he loved power, he did not shrink from its cares and toil. If he delighted in being the active ruler of his people, he devoted himself to affairs of state, even more laboriously than his ministers. If he was jealous of the authority of the crown,

Danger of the king's tactics.

he was not less jealous of the honour and greatness of his people. A just recognition of the personal merits of the king himself, enables us to judge more freely of the constitutional tendency and results of his policy.

To revert to a polity under which kings had governed, and ministers had executed their orders, was in itself a dangerous retrogression in the principles of constitutional government. If the crown, and not its ministers, had governed, how could the former do no wrong, and the latter be responsible? If ministers were content to accept responsibility without power, the crown could not escape its share of blame. Hence the chief safeguard of the monarchy was endangered. But the liberties of the people were exposed to greater peril than the crown. Power proceeding from the king, and exercised by himself in person, is irreconcilable with popular government. It constitutes the main distinction between an absolute and a constitutional monarchy. The best and most enlightened of kings, governing from above, will press his own policy upon his subjects. Choosing his ministers from considerations personal to himself,—directing their acts,—upholding them as his own servants,—resenting attacks upon them as disrespectful to himself,—committed to their measures, and resolved to enforce them,—viewing men and things from the elevation of a court, instead of sharing the interests and sympathies of the people,—how can he act in harmony with popular influences?

The system of government which George III. found in operation was indeed imperfect. The in-

fluence of the crown, as exercised by ministers, prevailed over the more popular elements of the constitution. The great nobles were too powerful. A Parliament, without adequate representation of the people, and uncontrolled by public opinion, was generally subservient to ministers: but with all its defects, it was still a popular institution. If not freely elected by the people, it was yet composed of men belonging to various classes of society, and sharing their interests and feelings. The statesmen, who were able by their talents and influence to command its confidence, became the ministers of the crown; and power thus proceeded from below, instead of from above. The country was governed by its ablest men, and not by favourites of the court. The proper authority of Parliament was recognised; and nothing was wanting in the theory of constitutional government, but an improved constitution of Parliament itself. This system, however, the king was determined to subvert. He was jealous of ministers who derived their authority from Parliament rather than from himself, and of the parliamentary organisation which controlled his power. The policy which he adopted, and its results, are among the most critical events in the history of the crown.

King's interest strengthened at the general election.

The dissolution of Parliament, shortly after his accession, afforded an opportunity of strengthening the parliamentary connection of the king's friends. Parliament was kept sitting while the king and Lord Bute were making out lists of the court candidates, and

using every exertion to secure their return. The king not only wrested government boroughs from the ministers, in order to nominate his own friends, but even encouraged opposition to such ministers as he conceived not to be in his interest.[1]

At the meeting at the Cockpit,[2] the night before the assembling of the new Parliament, to hear the king's speech read, and to agree upon the choice of a speaker, not only the Whigs and parliamentary supporters of the government attended; but also the old Tories, in a strong body, though without any invitation from ministers.[3] The speaker selected by Lord Bute was Sir John Cust, a country gentleman and a Tory.

Measures taken to break up the ministry.

Lord Bute, the originator of the new policy, was not personally well qualified for its successful promotion. He was not connected with the great families who had acquired a preponderance of political influence: he was no parliamentary debater: his manners were unpopular: he was a courtier rather than a politician: his intimate relations with the Princess of Wales were an object

[1] The Duke of Newcastle thus wrote at this time to Lord Rockingham:—'My Lord Anson has received *orders from the king himself* to declare to the docks (at Portsmouth) that they may vote for whom they please at the Hampshire election, *even though the Chancellor of the Exchequer is a candidate.*' Lord Bute complained to the First Lord of the Admiralty, that he had disposed of the Admiralty boroughs without acquainting the king.—*Dodington's Diary*, 433; *Rockingham Mem.*, i. 61–64.

[2] Formerly the cockpit of the ancient palace of Whitehall. At this period, it was a public building, on the site of the present Privy Council office, in which were the Council Chamber, and the offices of the First Lord of the Treasury. It was here that the Parliamentary supporters of the Government were invited to meet.—See *Cunningham's London*, 133; *Knight's London*, 290.

[3] Rockingham Mem., i. 68; Dodington's Diary, 433.

of scandal; and, above all, he was a Scotchman. The jealousy of foreigners, which had shown itself in hatred of the Hanoverians, was now transferred to the Scottish nation, whose connection with the late civil war had exposed them to popular obloquy. The scheme was such as naturally occurred to a favourite: but it required more than the talents of a favourite to accomplish. While only in the king's household, his influence was regarded with jealousy: remarks were already made upon the unlucky circumstance of his being a 'Scot;' and popular prejudices were aroused against him, before he was ostensibly concerned in public affairs. Immediately after the king's accession, he had been made a privy councillor, and admitted into the cabinet. An arrangement was soon afterwards concerted, by which Lord Holdernesse retired from office with a pension, and Lord Bute succeeded him as secretary of state. March 25, 1761.

It was now the object of the court to break up the existing ministry, and to replace it with another, formed from among the king's friends. Had the ministry been united, and had the chiefs reposed confidence in one another, it would have been difficult to overthrow them. But there were already jealousies amongst them, which the court lost no opportunity of fomenting.[1] A breach soon arose

[1] Lord Hardwicke said, 'He (Lord Bute) principally availed himself with great art and finesse of the dissensions between the Duke of Newcastle and Mr. Pitt: he played off one against the other till he got rid of the popular minister, and when that was compassed, strengthened himself in the cabinet, by bringing in Lord Egremont and Mr Grenville, and never left intriguing till he had rendered it impracticable for the old duke to continue in office with

between Mr. Pitt, the most powerful and popular of the ministers, and his colleagues. He desired to strike a sudden blow against Spain, which had concluded a secret treaty of alliance with France, then at war with this country.[1] Though war minister, he was opposed by all his colleagues except Lord Temple. He bore himself haughtily at the council, —declaring that he had been called to the ministry by the voice of the people, and that he could not be responsible for measures which he was no longer allowed to guide. Being met with equal loftiness in the cabinet, he was forced to tender his resignation.[2]

Pension to Mr. Pitt.

The king overpowered the retiring minister with kindness and condescension. He offered the barony of Chatham to his wife, and to himself an annuity of 3,000*l.* a year for three lives.[3] The minister had deserved these royal favours, and he accepted them, but at the cost of his popularity. It was an artful stroke of policy, thus at once to conciliate and weaken the popular statesman, whose opposition was to be dreaded,—and it succeeded.

credit and honour.'—*Rockingham Mem.*, i. 6. See the Duke's own letters, *ib.*, 102–109.

[1] Grenville Papers, i. 386.

[2] Ann. Reg., 1761 [43]. Grenville Papers, i. 391, 405. Mr. Pitt, in a letter to Mr. Beckford, October 15, 1761, says, 'A difference of opinion with regard to measures to be taken against Spain, of the highest importance to the honour of the Crown, and to the most essential national interests, and this founded on what Spain had already done, not on what that court may further intend to do, was the cause of my resigning the seals.'—*Chatham Corr.*, ii. 159.

[3] Mr. Pitt said, 'I confess, Sir, I had but too much reason to expect your Majesty's displeasure. I did not come prepared for this exceeding goodness. Pardon me, Sir, it overpowers, it oppresses me,' and burst into tears.—*Ann. Reg.*; *Grenville Papers*, i. 413.

The same Gazette which announced his resignation, also trumpeted forth the peerage and the pension, and was the signal for clamours against the public favourite.

On the retirement of Mr. Pitt, Lord Bute became the most influential of the ministers. He undertook the chief management of public affairs in the cabinet, and the sole direction of the House of Lords.[1] He consulted none of his colleagues, except Lord Egremont and Mr. George Grenville.[2] His ascendency provoked the jealousy and resentment of the king's veteran minister, the Duke of Newcastle. For years he had distributed all the patronage of the crown, but it was now wrested from his hands, nor was he consulted as to its disposal. The king himself created seven peers, without even acquainting him with their creation.[3] Lord Bute gave away places and pensions to his own friends, and paid no attention to the recommendations of the duke. At length, in May 1762, his grace, after frequent disagreements in the cabinet, and numerous affronts, was obliged to resign.[4]

Influence of Lord Bute

[1] Rockingham Mem., i. 54, 86, 101 (Letters of the Duke of Newcastle).
[2] *Ibid*, 104.
[4] Walpole Mem., i. [illegible]

And now, the object of the court being at length attained, Lord Bute was immediately placed at the head of affairs, as First Lord of the Treasury. Rapid had been the rise of the king's favourite. In thirteen months he had been groom of the stole, a privy councillor, ranger of Richmond Park, secretary of state, and premier;[1] and these favours were soon followed by his installation as a Knight of the Garter, at the same time as the king's own brother, Prince William. His sudden elevation resembled that of an eastern vizier, rather than the toilsome ascent of a British statesman. But the confidence of his royal master served to aggravate the jealousies by which the new minister was surrounded, to widen the breach between himself and the leaders of the Whig party, and to afford occasion for popular reproaches. It has been insinuated that he was urged forward by secret enemies, in order to insure his speedier fall;[2] and it is certain that, had he been contented with a less prominent place, the consummation of his peculiar policy could have been more securely, and perhaps more successfully, accomplished.

Lord Bute as premier, 1762.

The king and his minister were resolved to carry matters with a high hand;[3] and their arbitrary attempts to coerce and intimidate opponents disclosed their imperious views of prerogative. Preliminaries of a treaty of peace with France having been agreed upon, against

Arbitrary conduct of the king and the new minister.

[1] His countess also received an English barony.

[2] Walpole Mem., i. 44.

[3] 'The king, it was given out, *would* be king,—would not be dictated to by his ministers, as his grandfather had been. The prerogative was to shine out: great lords must be humbled.'—*Walp. Mem.* i. 200.

which a strong popular feeling was aroused, the king's vengeance was directed against all who ventured to disapprove them.

The Duke of Devonshire having declined to attend the council summoned to decide upon the peace, was insulted by the king, and forced to resign his office of Lord Chamberlain.[1] A few days afterwards the king, with his own hand, struck his grace's name from the list of privy councillors. For so great a severity the only precedents in the late reign were those of Lord Bath and Lord George Sackville; 'the first,' says Walpole, 'in open and virulent opposition; the second on his ignominious sentence after the battle of Minden.'[2] No sooner had Lord Rockingham heard of the treatment of the Duke of Devonshire, than he sought an audience of the king; and having stated that those 'who had hitherto deservedly had the greatest weight in the country were now driven out of any share in the government, and marked out rather as objects of his Majesty's displeasure than of his favour,' resigned his place in the household.[3]

A more general proscription of the Whig nobles soon followed. The Dukes of Newcastle and Grafton, and the Marquess of Rockingham, having presumed, as peers of Parliament, to express their disapprobation of the peace, were dismissed from the lord-lieutenancies of their counties.[4] The Duke of

[1] Walp. Mem., i. 201; Rockingham Mem., i. 135 (Letter of Duke of Newcastle to Lord Rockingham).
[2] Walp. Mem., i. 203.
[3] Letter to Duke of Cumberland; Rockingham Mem., i. 142.
[4] Rockingham Mem., i. 155.

Devonshire, in order to share the fate of his friends and avoid the affront of dismissal, resigned the lieutenancy of his county.[1]

Nor was the vengeance of the court confined to the heads of the Whig party. Not only were all parliamentary placemen, who had voted against the preliminaries of peace, dismissed: but their humble friends and clients were also proscribed. Clerks were removed from public offices, and inferior officers from the customs and excise, and other small appointments, for no other offence than that of having been appointed by their obnoxious patrons.[2] While bribes were lavished to purchase adhesion to the court policy, the king and his advisers determined to discourage opposition with unsparing severity. Great lords must be humbled, parties overborne, and Parliament reduced to subjection.

Its effect upon parties.

The preliminaries of peace were approved by Parliament; and the Princess of Wales, exulting in the success of the court, exclaimed, 'Now my son is king of England.'[3] But her exultation was premature. As yet there had been little more than a contention for power, between rival parties in the aristocracy: but these stretches of prerogative served to unite the Whigs into an organised opposition. Since the accession of the House of Hanover, this party had supported the crown, as ministers. It now became their office to assert the liberties of the people, and to resist the

[1] Walp. Mem., i. 235; Rockingham Mem., i. 156.
[2] Walp. Mem., i. 283; Grenville Papers, i. 453; Rockingham Mem., i. 152, 158.
[3] Walp. Mem., i. 233.

encroachments of prerogative. Thus the king's attempt to restore the personal influence of the Sovereign, which the Revolution had impaired, so far from strengthening the throne, advanced the popular cause, and gave it powerful leaders, whose interests had hitherto been enlisted on the side of the crown. Claims of prerogative became the signal for the assertion of new rights and liberties, on the part of the people.

Sudden fall of Lord Bute

The fall of the king's favoured minister was even more sudden than his rise. He shrank from the difficulties of his position,—a disunited cabinet,—a formidable opposition,—doubtful support from his friends,—the bitter hatred of his enemies,—a libellous press,—and notorious unpopularity.[1] Afraid, as he confessed, 'not only of falling himself, but of involving his royal master in his ruin,' he resigned suddenly,—to the surprise of all parties, and even of the king himself,—before he had held office for eleven months. But his short administration had indulged the king's love of rule, and encouraged him to proceed with his cherished scheme for taking a dominant part in the direction of public affairs.

His continued influence with the king.

Nor did Lord Bute propose to relinquish his own power together with his office. Having negotiated the appointment of Mr. George Grenville as his successor, and arranged with him the nomination of the cabinet,[2] he retreated to

[1] He was hissed and pelted at the opening of Parliament, 25th Nov., 1762, and his family were alarmed for his personal safety.
[2] Grenville Papers, ii. 32, 33.

the interior cabinet, whence he could direct more securely the measures of the court.[1] The ministry of Mr. Grenville was constituted in a manner favourable to the king's personal views; and was expected to be under the control of himself and his favourite. And at first there can be little doubt that Mr. Grenville found himself the mere agent of the court. 'The public looked still at Lord Bute through the curtain,' said Lord Chesterfield, 'which indeed was a very transparent one.' But Mr. Grenville was by no means contented with the appearance of power. He was jealous of Lord Bute's superior influence, and complained to the king that his Majesty's confidence was withheld from his minister.[2] As fond of power as the king himself,—and with a will as strong and imperious,—tenacious of his rights as a minister, and confident in his own abilities and influence,—he looked to Parliament rather than to the crown, as the source of his authority.

The Grenville ministry, 1763.

The king finding his own scheme of government opposed, and disliking the uncongenial views and hard temper of his minister, resolved to dismiss him on the first convenient opportunity.[3] Accordingly, on the death of Lord Egremont, he commissioned Lord Bute to open negotiations with Mr. Pitt, for the formation of a new administration. And now the king tasted the bitter fruits of his recent policy. He had pro-

The king sends Lord Bute to Mr. Pitt.

[1] Mr. Grenville to Lord Egremont; Grenville Papers, ii. 85.
[2] Grenville Papers, ii. 84, 85, 89.
[3] *Ibid.*, ii. 83, 85.

scribed the Whig leaders. He had determined 'never upon any account to suffer those ministers of the late reign, who had attempted to fetter and enslave him, to come into his service, while he lived to hold the sceptre.'[1] Yet these were the very ministers whom Mr. Pitt proposed to restore to power; and stranger still,—the premier in whom the king was asked to repose his confidence was Earl Temple, whose patronage of Wilkes had recently aroused his bitter resentment. His Majesty was not likely so soon to retract his resolution, and refused these hateful terms: 'My honour is concerned,' he said, 'and I must support it.'[2] The Grenville ministry, however distasteful, was not so hard to bear as the restoration of the dreaded Whigs; and he was therefore obliged to retain it. Mr. Grenville now remonstrated, more strongly than ever, against the influence of the favourite who had been employed to supplant him: the king promised his confidence to the ministers, and Lord Bute retired from the court.[3]

Though George III. and Mr. Grenville differed as to their relative powers, they were but too well agreed in their policy. Both were arbitrary, impatient of opposition, and resolute in the exercise of authority. The chief claims of the Grenville ministry to distinction

Active interest of the king in the measures of government.

[1] Letter of Lord Bute to the Duke of Bedford, 2nd April, 1763, Bedford Corr., iii. 224; see also Grenville Papers, ii. 93, 105, 196.

[2] Grenville Papers, ii. 96, 107; see also Ellis's Letters, 2nd Ser., iv. 470.

[3] Grenville Papers, ii. 106, 483, 500; Chatham Corr., ii. 236; Parl. Hist., xv. 1327.

were its arbitrary proceedings against Wilkes, which the king encouraged and approved,[1] and the first taxation of America, which he himself is said to have suggested.[2] In overawing opponents the king was more forward than his ministers.[3] Earl Temple's friendship for Wilkes was punished by the erasure of his name from the list of privy councillors, and by dismissal from the lord-lieutenancy of his county.[4] General Conway, Colonel Barré, and Colonel A'Court, were, for their votes in Parliament, deprived of their military commands,[5] and Lord Shelburne of his office of aide-de-camp to his Majesty.

His violation of the privileges of Parliament.

The privileges of Parliament afforded no protection from the king's displeasure. To guard against the arbitrary interference of the crown, freedom of speech had been asserted for centuries. It was an acknowledged constitutional doctrine that the king should be deaf to reports of debates in Parliament, and that no member should suffer molestation for his speeches.[6] Nor had any king of the house of Hanover been present

[1] Corr. of Geo. III. with Lord North, i. 2, 9.

[2] Wraxall's Mem., ii. 111; Bancroft's Amer. Rev., iii. 307.

[3] Grenville Papers, ii. 297; Walp. Mem., i. 403; Rockingham Mem., i. 178.

[4] May 7th, 1763; Grenville Papers, ii. 55.

[5] Chatham Corr., ii. 275; Walp. Mem., ii. 65; Wraxall's Mem., iii. 164. In the late reign, the duke of Bolton and Lord Cobham having been removed from the command of their regiments, for opposing ministers, the opposition endeavoured to interdict such dismissals, except after a court martial, or an address from either House of Parliament,—a restraint upon prerogative more unconstitutional than the act against which this measure was aimed.—*Parl. Hist.*, ix. 283; Smollett's Hist., ii. 313; Coxe's Walpole; Cooke's Hist. of Party, ii. 186.

[6] Rot. Parl., iii. 456, 611; 4 Hen. VIII. c. 8.

at the deliberations of the legislature.[1] Yet during the proceedings of the Commons against Wilkes, his Majesty found a faithful reporter in Mr. Grenville. Watching the debates and divisions, he kept a jealous eye upon the opinions and votes of every member; and expressed his personal resentment against all who did not support the government. It was he who first proposed the dismissal of General Conway, 'both from his civil and military commissions:' it was he who insisted on the removal of Mr. Fitzherbert from the Board of Trade, and of all placemen who took a different view of parliamentary privilege from that adopted by the court.[2] Mr. Grenville endeavoured to moderate the king's severity: he desired to postpone such violent measures till the proceedings against Wilkes should be concluded;[3] and in the meantime, opened communications with General Conway, in the hope of averting his dismissal.[4] But at length the blow was struck, and General Conway was dismissed not only from his office of groom of the bedchamber, but from the command of his regiment of dragoons.[5]

[1] *Hatsell*, ii. 371, *n.* Chitty on Prerogatives, 75.

[2] Grenville Papers, ii. 162, 165, 166 (letters from the king to Mr. Grenville, 16th, 23rd, and 24th Nov., 1763); *Ibid.*, 223, 228–9.

[3] *Ibid.*, 224, 229, 230, 266, 267, 484 (Diary, 16th, 25th, and 30th Nov.; 2nd Dec., 1763; 19th Jan., 1764)

[4] *Ibid.*, 231–233.

[5] Grenville Papers, ii. 296. 'Mr. Grenville never would admit the distinction between civil and military [illegible] *Papers*, ii. 234, 507. [illegible] once only against the [illegible] was not the case. Mr. [illegible] speaks of Mr. Conway's vote [illegible] times with the minority.—*Grenville Papers*, ii. 223.

Mr. Calcraft was also deprived of the office of deputy-muster-master.[1]

To commit General Conway or Colonel Barré to prison, as James I had committed Sir Edwin Sandys, and as Charles I. had committed Selden and other leading members of the House of Commons, could not now have been attempted. Nor was the ill-omened venture of Charles I. against the five members likely to be repeated: but the king was violating the same principles of constitutional government as his arbitrary predecessors. He punished, as far as he was able, those who had incurred his displeasure, for their conduct in Parliament; and denied them the protection which they claimed from privilege, and the laws of their country. Yet the Commons submitted to this violation of their freedom, with scarcely a murmur.[2]

Public discontents.

The riots and popular discontents of this period ought to have convinced the king that his statesmanship was not successful. He had already sacrificed his popularity to an ill-regulated love of power. But he continued to direct every measure of the government, whether of legislation, of administration, or of patronage; and by means of the faithful reports of his minister, he constantly assisted, as it were, in the deliberations of Parliament.[3]

[1] Grenville Papers, 231. The muster-masters were appointed to check frauds and false musters in the several regiments, and to secure the proper complement of efficient soldiers. The office was abolished in 1818.—*Clode's Military Forces of the Crown*, ii. 9, 10.

[2] Parl. Hist., xvi. 1765.

[3] Grenville Papers, iii. 4–15, 21–37. The king's communications were sometimes sufficiently peremptory. Writing May 21st, 1765,

In 1765, differences again arose between the king and the Grenville ministry. They had justly offended him by their mismanagement of the Regency Bill,[1]—they had disputed with him on questions of patronage and expenditure,—they had wearied him with long arguments in the closet;[2] and, in the month of May, he intimated his intention of dispensing with their services. But the king, after vain negotiations with Mr. Pitt through the Duke of Cumberland, finding himself unable to form another administration, was again compelled to retain them in office. They had suspected the secret influence of Lord Bute in thwarting their counsels; and to him they attributed their dismissal.[3] The first condition, therefore, on which they consented to remain in office, was that Lord Bute should not be suffered to interfere in his Majesty's councils, 'in any manner or shape whatever.'[4] To this the king pledged himself,[5] and though suspicions of a secret correspondence with

King's differences with the Grenville ministry

[illegible]

[1] See Chap. III. [2] Walp. Mem., ii. 161.

[3] So great was the jealousy of Mr Grenville and the Duke of Bedford [illegible] ii. 483, 489.

[4] Minute of Cabinet, 22nd May, 1765; Grenville Papers, iii. 41; [illegible]

Lord Bute were still entertained, there is every reason for believing that he adhered to his promise.[1] Indeed, he had already acquired so much confidence in his own aptitude for business, that he no longer relied upon the counsels of his favourite.[2] He was able to rule alone; and wanted instruments, rather than advisers. The second condition was the dismissal of Mr. Stuart Mackenzie, Lord Bute's brother, from the office of privy seal in Scotland, and from the management of the affairs of that country. In this, too, the king yielded, though sorely against his will, as he had promised the office for life.[3] Meanwhile the breach between the king and his ministers became still wider. They had been forced upon him by necessity: they knew that he was plotting their speedy overthrow, and protested against the intrigues by which their influence was counteracted. The Duke of Bedford besought the king 'to permit his authority and his favour to go

[1] Mem. of C. J. Fox, i. 65–68. 111; Mr. Mackintosh to Earl Temple, Aug. 30th, 1765, *Grenville Papers*, iii. 81. *Wraxall's Mem.*, ii. 73, &c. Mr. Grenville was still so suspicious of Lord Bute's influence, that being told in November, 1765, by Mr. Jenkinson, that Lord Bute had only seen the king twice during his illness in the spring, he says in his diary; 'which fact Mr. Grenville could not be brought to believe. He owned, however, to Mr. Grenville that the intercourse in writing between his Majesty and Lord Bute always continued, telling him that he knew the king wrote to him a journal every day of what passed, and as minute a one as if, said he, "your boy at school was directed by you to write his journal to you."'—*Grenville Papers*, iii. 220.

It was not until Dec., 1768. that Mr. Grenville seems to have been persuaded that Lord Bute's influence was lost. He then concurred in the prevailing opinion of 'the king being grown indifferent to him. but the princess being in the same sentiments towards him as before.'—*Diary; Grenville Papers*, iv. 408.

[2] Bedford Corr., iii. 264.

[3] Walp. Geo. III., ii. 175; Grenville Papers, iii. 185. He was afterwards restored in 1766 by the Earl of Chatham.—*Ib.*, 362.

together;'[1] and these remonstrances were represented by the king's friends as insolent and overbearing.[2] An outcry was raised against the ministers that they 'desired to enslave the king,' who was now determined to make any sacrifices to get rid of them.

The negotiations for a new ministry were again conducted on behalf of the king, by his uncle the Duke of Cumberland. Such was the popular hatred of Lord Bute and his countrymen, that the Duke's former severities against the Scotch, which had gained for him the name of the 'butcher,' were now a claim to popular favour. The rebellious Scots had been treated as they deserved; and he who had already chastised them, was not the man to favour their pretensions at court. These negotiations were protracted for seven weeks, while the country was virtually without a government.[3] Mr. Pitt was again impracticable: the further continuance of the Grenville ministry could not be endured; and, at length, the king was reduced to the necessity of surrendering himself once more to the very men whom he most dreaded.

Negotiations with the Whigs

July, 1765.

The Marquess of Rockingham, the leader of the obnoxious Whig aristocracy,—the statesman whom he had recently removed from his lieutenancy,—the king was now obliged to accept as premier; and General Conway, whom

Rockingham ministry, 1765.

[1] 12th June, 1765; Bedford Corr., iii. Introd., pp. xliii. xlv. 286; Grenville Papers, iii. 194.
[2] Junius, Letter xxiii.; Burke's Works, ii. 156; Walp. Geo III, ii. 182; Bedford Corr., iii. 286.
[3] Walp. Mem., ii. 192.

he had deprived of his regiment, became a secretary of state, and leader of the House of Commons. The policy of proscription was, for a time at least, reversed and condemned. Mr. Pitt, when solicited by the Duke of Cumberland to take office, had named as one of his conditions, the restoration of officers dismissed on political grounds. This the king had anticipated, and was prepared to grant.[1] The Rockingham administration insisted on the same terms; and according to Mr. Burke 'discountenanced, and it is hoped for ever abolished, the dangerous and unconstitutional practice of removing military officers, for their votes in Parliament.'[2]

Dismissal of officers condemned.

The Whig leaders were not less jealous of the influence of Lord Bute, than the ministry whom they displaced; and before they would accept office, they insisted 'that the thought of replacing Mr. Mackenzie should be laid aside; and also that some of the particular friends of the Earl of Bute should be removed, as a proof to the world that the Earl of Bute should not either publicly or privately, directly or indirectly, have any concern or influence in public affairs, or in the management or disposition of public employments.'[3] These conditions being agreed to, a ministry so constituted was likely to be independent of court influence: yet it was soon reproached with

Conditions of the Rockingham ministry.

[1] Walp. Mem., ii. 165; Duke of Cumberland's Narrative; Rockingham Mem., i. 193–196.
[2] Short Account of a Late Short Administration.
[3] Paper drawn up by Duke of Newcastle, *Rockingham Mem.*, i. 218.

submission to the 'interior cabinet.' Mr. Pitt said, 'Methinks I plainly discover the traces of an overruling influence;' and while he disavowed any prejudice again the country of Lord Bute, he declared that 'the man of that country wanted wisdom, and held principles incompatible with freedom.' This supposed influence was disclaimed on the part of the government by General Conway: 'I see nothing of it,' said he, 'I feel nothing of it: I disclaim it for myself, and as far as my discernment can reach, for the rest of his Majesty's ministers.'[1]

The king's friends.

Whether Lord Bute had, at this time, any influence at court, was long a subject of doubt and controversy. It was confidently believed by the public, and by many of the best informed of his contemporaries; but Lord Bute, several years afterwards, so explicitly denied it, that his denial may be accepted as conclusive.[2] The king's friends, however, had become more numerous, and acted under better discipline. Some held offices in the government or household, yet looked for instructions, not to ministers, but to the king. Men enjoying obscure, but

1 Debate on the address, 1766, *Parl. Hist.* xvi. 97, 101.

[illegible]

arrangement of a ministry in 1765, to the present hour.'—*Tomline's Life of Pitt*, i. 452, *n.* See also Rockingham Mem., i. 358–360; Lord Bro[illegible]m's Sketches of Statesmen, *Works*, iii. 49, Edinb. Rev. cxli. [illegible], Quart. Rev. cxxxi. 236 Lord John Russell's Intr. to vol. iii. of Bedford Corr., xxxiii

lucrative appointments, in the gift of the king himself, and other members of the royal family, voted at the bidding of the court. But the greater number of the king's friends were independent members of Parliament, whom various motives had attracted to his cause. Many were influenced by high notions of prerogative,—by loyalty, by confidence in the judgment and honesty of their sovereign, and personal attachment to his Majesty; and many by hopes of favour and advancement. They formed a distinct party; and their coherence was secured by the same causes which generally contribute to the formation of party ties.[1] But their principles and position were inconsistent with constitutional government. Their services to the king were no longer confined to counsel, or political intrigue: but were organised so as to influence the deliberations of Parliament. And their organisation for such a purpose, marked a further advance in the unconstitutional policy of the court.

The king's influence in Parliament.

The king continued personally to direct the measures of his ministers, more particularly in the disputes with the American colonies, which, in his opinion, involved the rights and honour of his crown.[2] He was resolutely opposed to the repeal of the Stamp Act, which ministers thought necessary for the conciliation of the colonies. He resisted this measure in council; but

[1] Burke's Present Discontents, *Works*, ii. 254; Burke's Corr., i. 352; Grenville Papers, ii. 33, iii. 57; Rockingham Mem., i. 5, 307; Fox Mem., i. 120, &c.; Walp. Mem., iv. 315.

[2] The king said his ministers 'would undo his people, in giving up the rights of his crown; that to this he would never consent.'—*Grenville Papers*, iii. 370, 371.

finding ministers resolved to carry it, he opposed them in Parliament by the authority of his name, and by his personal influence over a considerable body of parliamentary adherents.[1] The king affected, indeed, to support his ministers, and to decline the use of his name in opposing them. 'Lord Harcourt suggested, at a distance, that his Majesty *might* make his sentiments known, which might prevent the repeal of the act, if his ministers should push that measure. The king seemed averse to that, said he would never influence people in their parliamentary opinions, and that he had promised to support his ministers.'[2] But, however the king may have affected to deprecate the use of his name, it was unquestionably used by his friends;[3] and while he himself admitted the unconstitutional character of such a proceeding, it found a defender in Lord Mansfield. In discussing this matter with the king, his lordship argued 'that, though it would be unconstitutional to endeavour by his Majesty's name to carry questions in Parliament, yet where the lawful rights of the king and Parliament were to be asserted and maintained, he thought the making his Majesty's opinion in support of those rights to be known, was fit and becoming.'[4] In order to counteract this secret influence, Lord Rockingham obtained the king's written consent to the passing of the bill.[5]

[1] Walpole Mem., ii. 250, 331, *n*. Rockingham Mem., ii. 250, 291.
[2] Mr. Grenville's Diary, Jan. 31, 1766, Grenville Papers, iii. 353.
[3] Grenville Papers, iii. 374; Walp. Mem., ii. 288, Rockingham Mem., i. 277, 292.
[4] Grenville Papers, iii 374.
[5] Rockingham Mem., i. 300.

The king's friends.

Ministers had to contend against another difficulty, which the tactics of the court had created. Not only were they opposed by independent members of the court party: but members holding office,—upon whose support ministers were justified in relying,—were encouraged to oppose them; and retained their offices, while voting in the ranks of the opposition. The king, who had punished with so much severity any opposition to measures which he approved, now upheld and protected those placemen, who opposed the ministerial measures to which he himself objected. In vain ministers remonstrated against their conduct: the king was ready with excuses and promises; but his chosen band were safe from the indignation of the government. Nor was their opposition confined to the repeal of the Stamp Act,—a subject on which they might have affected to entertain conscientious scruples: but it was vexatiously continued against the general measures of the administration.[1] Well might Mr. Burke term this 'an opposition of a new and singular character,—an opposition of placemen and pensioners.'[2] Lord Rockingham protested against such a system while in office;[3] and after his dismissal, took occasion to observe to his Majesty, that 'when he had the honour of being in his Majesty's service, the measures of administration were thwarted and obstructed by men in office, acting like a corps; that he flattered himself it was

[1] Walp. Mem., ii. 259, 331, *n.*; Rockingham Mem., i. 250, 294, 321.
[2] A Short Account of a Late Short Administration.
[3] Walp. Mem., ii. 322.

not entirely with his majesty's inclination, and would assure him it was very detrimental to his service.'[1] This system, to use the words of Mr. Burke, tended 'to produce neither the security of a free government, nor the energy of a monarchy that is absolute.'[2]

The king, meanwhile, had resolved to overthrow the Rockingham ministry, which was on every account distasteful to him. He disapproved their liberal policy: he was jealous of their powerful party, which he was bent on breaking up; and, above all, he resented their independence. He desired ministers to execute his will; and these men and their party were the obstacles to the cherished object of his ambition.

At length, in July, 1766, they were ungraciously dismissed;[3] and his Majesty now expected, from the hands of Mr. Pitt, an administration better suited to his own views and policy. Mr. Pitt's greatness had naturally pointed him out as the fittest man for such a task; and there were other circumstances which made him personally acceptable to the king Haughty as was the demeanour of that distinguished man in the senate, and among his equals, his bearing in the royal presence was humble and obsequious. The truth of Mr. Burke's well-known sarcasm, that 'the least peep into that closet intoxicates him, and will to the end of his life,'[4] was recognised by all his

Duke of Grafton's ministry, 1766.

[1] Rockingham Mem., ii. 53.
[2] Present Discontents, *Works*, ii. 731.
[3] *Walp. Mem.*, ii 337.
[4] *Letter to Lord Rockingham*, Rockingham Mem., ii. 260.

contemporaries.[1] A statesman with at least the outward qualities of a courtier, was likely to give the king some repose, after his collisions with the two last ministries. He now undertook to form an administration, under the Duke of Grafton, with the office of privy seal, and a seat in the Upper House, as Earl of Chatham.

The king's efforts to dissolve parties.

For another reason also, Lord Chatham was acceptable to the king. They agreed, though for different reasons, in the policy of breaking up party connections. This was now the settled object of the king, which he pursued with unceasing earnestness. In writing to Lord Chatham, July 29th, 1766,[2] he said, 'I know the Earl of Chatham will zealously give his aid towards destroying all party distinctions, and restoring that subordination to government which can alone preserve that inestimable blessing, liberty, from degenerating into licentiousness.'[3] Again, December 2nd, 1766, he wrote to the Earl of Chatham: 'To rout out the present method of parties banding together, can only be obtained by withstanding their unjust demands, as well as the engaging able

[1] Chase Price said, 'that at the levée, he (*i.e.* Lord Chatham) used to bow so low, you could see the tip of his hooked nose between his legs.'—*Rockingham Mem.*, ii. 83. He had been in the habit of kneeling at the bedside of George II., while transacting business.—*Wraxall's Mem.*, ii. 53. That he was ever true to his character, is illustrated by the abject terms of his letter to the king on resigning the office of privy seal, two years afterwards. 'Under this load of unhappiness, I will not despair of your Majesty's pardon, while I supplicate again on my knees your Majesty's mercy, and most humbly implore your Majesty's royal permission to resign that high office.'—14th October, 1768; Chatham Corr., iii. 314.

[2] Intr. to vol. iii. of Bedford Corr., xxvii.

[3] Chatham Corr., iii. 21.

men, be their private connections where they will.'[1] And again, on the 25th June, 1767: 'I am thoroughly resolved to encounter any difficulties rather than yield to faction.'[2]

By this policy the king hoped to further his cherished scheme of increasing his own personal influence. To overcome the Whig connection, was to bring into office the friends of Lord Bute, and the court party who were subservient to his views. Lord Chatham adopted the king's policy for a very different purpose. Though in outward observances a courtier, he was a constitutional statesman, opposed to government by prerogative, and court influence. His career had been due to his own genius: independent of party, and superior to it, he had trusted to his eloquence, his statesmanship, and popularity. And now, by breaking up parties, he hoped to rule over them all. His project, however, completely failed. Having offended and exasperated the Whigs, he found himself at the head of an administration composed of the king's friends, who thwarted him, and of other discordant elements, over which he had no control.

Personal influence of the king

He discovered, when it was too late, that the king had been more sagacious than himself,—and that while his own power and connections had crumbled away, the court party had obtained a dangerous ascendency. Parties had been broken up, and prerogative triumphed. The leaders of parties had been reduced to insignificance, while the king directed public affairs according to his own will, and upon

[1] Chatham Corr., iii. 137. [2] *Ibid.*, 276.

principles dangerous to public liberty. According to Burke, when Lord Chatham 'had accomplished his scheme of administration, he was no longer minister.'[1] To repair the mischief which had been done, he afterwards sought an alliance with the party which, when in power, he had alienated from him. 'Former little differences must be forgotten,' he said, 'when the contest is *pro aris et focis.*'[2]

Meanwhile, other circumstances contributed to increase the influence of the king. Much of Lord Chatham's popularity had been sacrificed by the acceptance of a peerage; and his personal influence was diminished by his removal from the house of Commons, where he had been paramount. His holding so obscure a place as that of Privy Seal, further detracted from his weight as a minister. His melancholy prostration soon afterwards, increased the feebleness and disunion of the administration. Though his was its leading mind, for months he was incapacitated from attending to any business. He even refused an interview to the Duke of Grafton, the premier,[3] and to General Conway, though commissioned by the king to confer with him.[4] It is not surprising that the Duke of Grafton should complain of the languor under which 'every branch of the administration laboured from his absence.'[5] Yet the king, writing to Lord Chatham, January 23rd, 1768, to dissuade him from

[1] Speech on American Taxation.
[2] Rockingham Mem., ii. 143.
[3] Chatham Corr., iii. 218.
[4] Walp. Mem., ii. 433.
[5] Letter to Lord Chatham, 8th February, 1767; Chatham Corr., iii. 194.

resigning the Privy Seal, said: 'Though confined to your house, your name has been sufficient to enable my administration to proceed.'[1] At length, however, in October, 1768, completely broken down, he resigned his office, and withdrew from the administration.[2]

The absence of Lord Chatham, and the utter disorganisation of the ministry, left the king free to exercise his own influence, and to direct the policy of the country, without control. Had Lord Chatham been there, the ministry would have had a policy of its own: now it had none, and the Duke of Grafton and Lord North,—partly from indolence, and partly from facility,—consented to follow the stronger will of their sovereign.[3]

On his side, the king took advantage of the disruption of party ties, which he had taken pains to promote. In the absence of distinctive principles, and party leaders, members of Parliament were exposed to the direct influence of the crown. According to Horace Walpole, 'everybody ran to court, and voted for whatever the court desired.'[4] The main object of the king in breaking up parties, had thus been secured.

On the resignation of the Duke of Grafton, the

[illegible] ... iii. 314.

So little hath Lord Chatham's illness been assumed for political [illegible]

[illegible]

[4] *Ibid.*, ii. 331, *n.* See also *ibid.*, iii. 92.

king's ascendency in the councils of his ministers was further increased by the accession of Lord North to the chief direction of public affairs. That minister, by principle a Tory, and favourable to prerogative,—in character indolent and good-tempered,—and personally attached to the king,—yielded up his own opinions and judgment; and for years consented to be the passive instrument of the royal will.[1] The persecution of Wilkes, the straining of parliamentary privilege, and the coercion of America, were the disastrous fruits of the court policy. Throughout this administration, the king staked his personal credit upon the success of his measures; and regarded opposition to his minister as an act of disloyalty, and their defeat as an affront to himself.[2]

Lord North's ministry, 1770.

In 1770, Lord Chatham stated in Parliament, that since the king's accession there had been no original (*i. e.* independent) minister;[3] and examples abound of the king's personal participation in every political event of this period.

While the opposition were struggling to reverse the proceedings of the House of Commons against Wilkes, and Lord Chatham was about to move an address for dissolving

Public affairs directed by the king.

[1] Walp. Mem., ii. 95, *n.*; *ib.*, iii. 106 *n.*; Wraxall's Mem., i. 123. Mr. Massey says, Lord North was 'the only man of Parliamentary reputation who would not have insisted' on the expulsion of the king's friends.—*Hist.*, i. 424. Always in favour of power and authority, 'he supported the king against the aristocracy, the parliament against the people, and the nation against the colonies.'—*Ibid.*, 425.

[2] Walp. Mem., iii. 200 and *n.*; iv. 75; Corr. of Geo. III. with Lord North; i. 63 *et seq.*, 202.

[3] *Ibid.*, iv. 94; Hansard's Parl. Hist., xvi. 842 (March 2nd, 1770).

Parliament, the king's resentment knew no bounds. In conversations with General Conway, at this time, he declared he would abdicate his crown rather than comply with this address, 'Yes,' said the king, laying his hand on his sword, 'I will have recourse to this, sooner than yield to a dissolution of Parliament.'[1] And opinions have not been wanting, that the king was actually prepared to resist what he deemed an invasion of his prerogative, by military force.[2]

On the 26th February, 1772, while the Royal Marriage Bill was pending in the House of Lords, the king thus wrote to Lord North: 'I expect every nerve to be strained to carry the bill. It is not a question relating to administration, but personally to myself: therefore I have a right to expect a hearty support from every one in my service, and I shall remember defaulters.'[3] Again, on the 14th March, 1772, he wrote: 'I wish a list could be prepared of those that went away, and of those that deserted to the minority (on division in the committee). That would be a rule for my conduct in the drawing-room to-morrow.'[4] Again, in another letter, he said: 'I am greatly incensed at the presumption of Charles Fox, in forcing you to vote with him last night.'[5] . . . . . . 'I hope you will let him know that you are not in-

[1] 14th May, 1770. Rockingham Mem., ii. 179.
[2] Massey, Hist., i. p. 483.
[3] Fox Mem., i. 76; Lord Brougham's Works, iii. 79.
[4] Lord Brougham's Works, iii. 80.
[5] 15th February, 1774. In proceedings against printers of a libel on the speaker, Sir F. Norton.

sensible of his conduct towards you.'[1] And the king's confidence in his own influence over the deliberations of Parliament, appears from another letter, on the 26th June, 1774, where he said, 'I hope the crown will always be able, in either House of Parliament, to throw out a bill; but I shall never consent to use any expression which tends to establish, that at no time the right of the crown to dissent is to be used.'[2]

The king watched not only how members spoke and voted,[3] or whether they abstained from voting;[4] but even if they were silent, when he had expected them to speak.[5] No 'whipper-in' from the Treasury could have been more keen or full of expedients, in influencing the votes of members in critical divisions.[6] He was ready, also, to take advantage of the absence of opponents. Hearing that Mr. Fox was going to Paris, he wrote to Lord North, on the 15th November, 1776: "Bring as much forward as you can before the recess, as real business is never so well considered

[1] Fox Mem., i. 99.; Lord Brougham's Works, iii. 84; Corr. of Geo. III. with Lord North, i. 170.

[2] Lord Brougham's Works, iii. 85.

[3] King to Lord North, 5th April, 1770; Lord Brougham's Works, iii. 71, 88, 106, 108.

[4] King to Lord North, 12th March, 1772; 6th April, 25th Oct., 1778; 28th Feb., 4th and 9th March, 1779; Corr. of Geo. III. with Lord North, i. 96, &c.

[5] King to Lord North, 7th Jan., 1770. 'Surprised that T. Townsend was silent.'—King to Lord North, 19th Dec., 1772. *Ibid.*, 81. 'I should think Lord G. Germaine might with great propriety have said a few words to put the defence in motion.'—King to Lord North, 2nd Feb., 1778. Lord Brougham's Works, iii. 105. He was incensed against Dundas for the same reason, 24th Feb., 1778.—*Ibid.*, 106.

[6] King to Lord North, 9th Feb., 1775; 5th and 9th March, 1779.

as when the attention of the House is not taken up with noisy declamation.'[1]

Military officers were still exposed to marks of the king's displeasure. In 1773, Colonel Barré and Sir Hugh Williams, both refractory members of Parliament, were passed over in a brevet, or promotion: and Colonel Barré, in order to mark his sense of the injustice of this act of power, resigned his commission in the army.[2] The king, however, appears to have modified his opinions as to his right of depriving members of military commands, on account of their conduct in Parliament. Writing to Lord North, on the 5th March, 1779, he says: 'I am strongly of opinion that the general officers, who through Parliament have got governments, should, on opposing, lose them. This is very different from removing them from their military commands.'[3] On the 9th March he writes: 'I wish to see the list of the defaulters, who have either employments, or military governments.'[4]

Dismissal of officers.

Not without many affronts, and much unpopularity, the king and his minister long triumphed over all opposition in Parliament;[5] but in 1778, the signal failure of their policy, the crisis in American affairs, and the impending war with France, obliged them to enter into negotiations with Lord Chatham, for the ad-

The king identifies himself with Lord North's ministry.

[1] Lord Brougham's Works, iii. 97.
[2] Chatham Corr., iv. 243, 251.
[3] Lord Brougham's Works, iii. 130; Corr. of Geo. III. with Lord North, ii. 239.
[4] Corr. of Geo. III with Lord North, ii. 239.
[5] Fox Mem., i. 115, 119.

mission of that statesman and some of the leaders of opposition into the ministry. The king needed their assistance, but was resolved not to adopt their policy. He would accept them as instruments of his own will, but not as responsible ministers. If their counsels should prevail, he would himself be humiliated and disgraced.

In a letter to Lord North, on the 15th March, 1778, the king says: 'Honestly, I would rather lose the crown I now wear, than bear the ignominy of possessing it under their shackles.'[1] And, again, on the 17th of March, he writes: 'I am still ready to accept any part of them that will come to the assistance of my present efficient ministers; but, whilst any ten men in the kingdom will stand by me, I will not give myself up to bondage. My dear Lord, I will rather risk my crown than do what I think personally disgraceful. It is impossible this nation should not stand by me. If they will not, they shall have another king, for I never will put my hand to what will make me miserable to the last hour of my life.'[2] Again, on the 18th, he writes: 'Rather than be shackled by those desperate men (if the nation will not stand by me), I will rather see any form of government introduced into this island, and lose my crown, rather than wear it as a disgrace.'[3] The failure of these negotiations, followed by the death

[1] Lord Brougham's Works, iii. 108; Fox Mem., i. 189. There is another letter, in a similar strain, on the 16th March; Corr. of Geo. III. with Lord North, ii. 151.

[2] Lord Brougham's Works, iii. 110; Fox Mem., i. 191; Corr. of Geo. III. with Lord North, ii. 153.

[3] Lord Brougham's Works, iii. 111; Fox Mem., i. 193; Corr. of Geo. III. with Lord North, ii. 157.

of Lord Chatham, left unchanged the unfortunate administration of Lord North.

The king enforces his own poll

Overtures, indeed, were made to the Whig leaders, to join a new ministry under Lord Weymouth, which were, perhaps unwisely, declined;[1] and henceforth the king was resolved to admit none to his councils without exacting a pledge of compliance with his wishes. Thus, on the 4th February, 1779, writing to Lord North, he says: 'You may now sound Lord Howe; but, before I name him to preside at the Admiralty Board, I must expect an explicit declaration that he will zealously concur in prosecuting the war in all the quarters of the globe.'[2] Again, on the 22nd June, 1779, he writes: '*Before I will hear of any man's readiness to come into office, I will expect to see it signed under his own hand, that he is resolved to keep the empire entire, and that no troops shall consequently be withdrawn from thence* (*i. e.* America), *nor independence ever allowed*.'[3] It was not without reason that this deplorable contest was called the king's war.[4]

At this time it was openly avowed in the House of Commons by Lord George Germaine, that the king was his own minister; and Mr. Fox lamented 'that his Majesty was his own unadvised minister.'[5] Nor was it unnatural that the king should expect

[1] Fox Mem., i. 207; Lord J. Russell's Life of Fox, i. 193.
[2] Lord Brougham's Works, iii. 127; Fox. Mem., i. 211, 212.
[3] *Ibid.*, 236.
[4] Parl. Hist., xix. 857, Walp Mem., iv. 114; Nicholl's Recoll., i. 35.
[5] Dec. 4th, 1778, on Mr. Coke's motion upon Clinton's proclamation; Fox Mem., i. 203.

such submission from other statesmen, when his first minister was carrying out a policy of which he disapproved, but wanted resolution to resist'[1]—and when Parliament had hitherto supported his ill-omened measures. Lord North did not conceal his own views concerning the continuance of the American war. In announcing to the king the resignation of Lord Gower, who was of opinion that the contest 'must end in ruin to his Majesty and the country,' he said: 'in the argument Lord North had certainly one disadvantage, which is that he held in his heart, and has held for three years past, the same opinion as Lord Gower.'[2] Yet the minister submitted to the stronger will of his royal master.

Is forced to treat with the opposition.

Again, however, the king was reduced to treat with the opposition; but was not less resolute in his determination that no change of ministers should affect the policy of his measures. On the 3rd December, 1779, he was prevailed upon to give Lord Thurlow authority to open a negotiation with the leaders of the opposition; and expressed his willingness 'to admit into his confidence and service any men of public spirit and talents, who will join with part of the present ministry in forming one on a more enlarged scale, provided it be understood that every means are to be employed to keep the empire entire, to prosecute the present just and unprovoked war in all its branches, with the utmost vigour, and that his Majesty's past measures be treated with proper

[1] Fox Mem., i. 211, 212.
[2] King's Letters to Lord North; Lord Brougham's Works, iii. 151.

respect.'[1] Finding the compliance of independent statesmen less ready than he desired, he writes to Lord Thurlow, on the 18th December, 'From the cold disdain with which I am treated, it is evident to me what treatment I am to expect from opposition, if I was to call them into my service. To obtain their support, I must deliver up my person, my principles, and my dominions into their hands.'[2] In other words, the king dreaded the admission of any ministers to his councils, who claimed an independent judgment upon the policy for which they would become responsible.

Protests against the influence of the crown, 1779–80

In the meantime, the increasing influence of the crown, and the active personal exercise of its prerogatives, were attracting the attention of the people and of Parliament. In the debate on the address at the opening of Parliament, on the 25th November, 1779, Mr. Fox said: 'He saw very early indeed, in the present reign, the plan of government which had been laid down, and had since been invariably pursued in every department. It was not the mere rumour of the streets that the king was his own minister: the fatal truth was evident, and had made itself evident in every circumstance of the war carried on against America and the West Indies.'[3] This was denied by ministers;[4] but evidence, not accessible to con-

[1] Lord Brougham's Works, iii. 139; Fox Mem., i. 237.
[2] Lord Brougham's Works, iii. 140; Fox Mem., i. 238.
[3] Parl. Hist., xx. 1120.
[4] See the speeches of the Lord Advocate, the Secretary-at-War, and Attorney-General, *ibid.*, 1130, 1133, 1140.

temporaries, has since made his statement indisputable.

Early in the following year, numerous public meetings were held, associations formed, and petitions presented in favour of economic reforms; and complaining of the undue influence of the crown, and of the patronage and corruption by which it was maintained.[1] It was for the redress of these grievances that Mr. Burke offered his celebrated scheme of economical reform. He confessed that the main object of this scheme was 'the reduction of that corrupt influence, which is itself the perennial spring of all prodigality and of all disorder; which loads us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.'[2]

Mr. Dunning's resolutions, 1780.

On the 6th April, Mr. Dunning moved resolutions in a committee of the whole House, founded upon these petitions. The first, which is memorable in political history, affirmed 'that the influence of the crown has increased, is increasing, and ought to be diminished.'[3] The Lord Advocate, Mr. Dundas, endeavoured to diminish the force of this resolution by the prefatory words, 'that it is necessary to declare;' but Mr. Fox, on behalf of the opposition, at once assented to this amendment, and the resolution was carried by a majority of eighteen. A second resolution was agreed to, without a division, affirming the right of the House

[1] Parl. Hist., xx. 1370; Ann. Reg., xxiii. 85.
[2] Feb. 11th, 1780; Parl. Hist., xxi. 2 (published speech).
[3] Parl. Hist., xxi. 339.

to correct abuses in the civil list expenditure, and every other branch of the public revenue; and also a third, affirming 'that it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House.' The opposition, finding themselves in a majority, pushed forward their success. They would consent to no delay; and these resolutions were immediately reported and agreed to by the House. This debate was signalised by the opposition speech of Sir Fletcher Norton, the Speaker, who bore his personal testimony to the increased and increasing influence of the crown.[1] The king, writing to Lord North, on the 11th April, concerning these obnoxious resolutions, said: 'I wish I did not feel at whom they were personally levelled.'[2]

Lord Shelburne's motion on public expenditure.

The same matters were also debated, in this session, in the House of Lords. The debate on the Earl of Shelburne's motion, of the 8th February, for an inquiry into the public expenditure, brought out further testimonies to the influence of the crown. Of these the most remarkable was given by the Marquess of Rockingham; who asserted that since the accession of the king, there had been 'a fixed determination to govern this country under the forms of law, through the influence of the crown.' 'Everything within and without, whether in cabinet, Parliament, or elsewhere, carried about it the most

[1] See also Chap. IV.

[2] King's Letters to Lord North; Lord Brougham's Works, iii. 111.

unequivocal marks of such a system: the whole economy of executive government, in all its branches, proclaimed it, whether professional, deliberative, or official. The supporters of it in books, pamphlets, and newspapers, avowed it, and defended it without reserve. It was early in the present reign promulged as a court axiom, 'that the power and influence of the crown alone was sufficient to support any set of men his Majesty might think proper to call to his councils.' The fact bore evidence of its truth: for through the influence of the crown, majorities had been procured to support any men or any measures, which an administration, thus constituted, thought proper to dictate.'[1]

Intimidation of peers.

This very motion provoked the exercise of prerogative, in an arbitrary and offensive form, in order to influence the votes of peers, and to intimidate opponents. The Marquess of Carmarthen and the Earl of Pembroke had resigned their offices in the household, in order to give an independent vote. Before the former had voted, he received notice that he was dismissed from the lord-lieutenancy of the East Riding of the county of York:[2] and soon after the latter had recorded his vote, he was dismissed from the lord-lieutenancy of Wiltshire,—an office which had been held by his family, at different times, for centuries.[3] This flagrant exercise of prerogative could not escape the

[1] Parl. Hist., xx. 1346.

[2] *Ibid.*, 1349.

[3] His dismissal was by the personal orders of the King, who wrote to Lord North, 10th Feb., 1780: 'I cannot choose the lieutenancy of Wiltshire should be in the hands of opposition.'

notice of Parliament; and on the 6th March, Lord Shelburne moved an address praying the king to acquaint the House whether he had been advised, and by whom, to dismiss these peers 'from their employments, for their conduct in Parliament.' The motion was negatived by a large majority: but the unconstitutional acts of the king were strongly condemned in debate; and again animadversions were made upon the influence of the crown, more especially in the administration of the army and militia.[1]

Complaints of the influence of the crown, 1781.

On the meeting of Parliament, on the 27th November, 1781, amendments were moved in both Houses, in answer to the king's speech, when strong opinions were expressed regarding the influence of the crown, and the irregular and irresponsible system under which the government of the country was conducted. The *Duke of Richmond said, 'that the country was* governed by clerks,—each minister confining himself to his own office,—and, consequently, instead of responsibility, union of opinion, and concerted measures, nothing was displayed but dissension, weakness, and corruption.' The 'interior cabinet,' he declared, had been the ruin of this country.[2] The Marquess of Rockingham described the system of government pursued since the commencement of the reign as 'a prospective system,—a system of favouritism and secret influence.'[3] Mr. Fox imputed all the defeats and disasters of the American war to the influence of the crown.[4]

[1] Parl. Hist., xxi. 218.
[2] *Ibid.*, xxii
[3] *Ibid.*, 655.
[4] *Ibid.*, 7

Final overthrow of Lord North's ministry, 1782.

The king was never diverted, by defeat and disaster, from his resolution to maintain the war with America: but the House of Commons was now determined upon peace; and a struggle ensued which was to decide the fate of the minister, and to overcome, by the power of Parliament, the stubborn will of the king. On the 22nd February, 1782, General Conway moved an address deprecating the continuance of the war, but was defeated by a majority of one.[1] On the 27th, he proposed another address with the same object. Lord North begged for a short respite: but an adjournment being refused by a majority of nineteen, the motion was agreed to without a division.[2]

On the receipt of the king's answer, General Conway moved a resolution that 'the House will consider as enemies to the king and country all who shall advise, or by any means attempt, the further prosecution of offensive war, for the purpose of reducing the revolted colonies to obedience by force.'[3] In reply to this proposal, Lord North astonished the House by announcing,—not that he proposed to resign on the reversal of the policy, to which he was pledged,—but that he was prepared to give effect to the instructions of the House! Mr. Fox repudiated the principle of a minister remaining in office, to carry out the policy of his opponents, against his own judgment; and General Conway's resolution was agreed to. Lord North, however, persevered with his propositions for peace, and declared his deter-

[1] Parl. Hist., xxii. 1028.
[2] *Ibid.*, 1064.
[3] 4th March. *Ibid.*, 1067.

mination to retain office until the king should command him to resign, or the House should point out to him, in the clearest manner, the propriety of withdrawing.[1] No time was lost in pressing him with the latter alternative. On the 8th March, a motion of Lord John Cavendish, charging all the misfortunes of the war upon the incompetency of the ministers, was lost by a majority of ten.[2] On the 15th, Sir J. Rous moved that 'the House could no longer repose confidence in the present ministers,' and his motion was negatived by a majority of nine.[3] On the 20th the assault was about to be repeated, when Lord North announced his resignation.[4]

The king's concern at the fate of his ministers.

The king had watched this struggle with great anxiety, as one personal to himself. Writing to Lord North on the 17th March, after the motion of Sir J. Rous, he said: 'I am resolved not to throw myself into the hands of the opposition at all events; and shall certainly, if things go as they seem to tend, know what my conscience as well as honour dictates, as the only way left for me.'[5] He even desired the royal yacht to be prepared, and talked as if nothing were now left for him but to retire to Hanover.[6] But it had become impossible to retain any longer in his service that 'confidential minister,' whom he had 'always

[1] Parl. Hist., 1107.
[2] *Ibid.* xxii. 1114.
[3] *Ibid.* 1170.
[4] *Ibid.* 1214.
[5] Fox Mem., i. 288; King's Letters to Lord North; Corr. of George III. with Lord North, ii. 414.
[6] Fox Mem., i. 287 (Lord Holland's text).

treated more as his friend than minister.'[1] By the earnest solicitations of the king,[2] Lord North had been induced to retain office against his own wishes: he had persisted in a policy of which he disapproved; and when forced to abandon it, he still held his ground, in order to protect the king from the intrusion of those whom his Majesty regarded as his personal enemies.[3] He was now fairly driven from his post, and the king, appreciating the personal devotion of his minister, rewarded his zeal and fidelity with a munificent present from the privy purse.[4]

The king's influence during Lord North's ministry.

The king's correspondence with Lord North[5] gives us a remarkable insight into the relations of his Majesty with that minister, and with the government of the country. Not only did he direct the minister in all important matters of foreign and domestic policy, but he instructed him as to the management of debates in Parliament, suggested what motions should be made

1 King to Lord North, 2nd June, 1778.

2 King's Letters to Lord North, 31st Jan., 17th, 22nd, 23rd, 29th, and 30th March, 8th April, May 6th, 26th, &c., 1778; 30th Nov., 1779; 19th May, 1780; 19th March, 1782.

3 On the 19th March, 1782, the very day before he announced his intention to resign, the king wrote: 'If you resign before I have decided what to do, you will certainly for ever forfeit my regard.'

4 The king, in his letter to Lord North, says: 'Allow me to assist you with 10,000*l.*, 15,000*l.*, or even 20,000*l.*, if that will be sufficient.'—*Lord Brougham's Life of George III.; Works*, iii. 18. Mr. Adolphus states, from private information, that the present amounted to 30,000*l.* In 1777 he had also offered Lord North 15,000*l.*, or 20,000*l.* if necessary, to set his affairs in order.—*Corr. of George III. with Lord North*, ii. 82.

5 Appendix to Lord Brougham's Life of Lord North; *Works*, iii. 67. Corr. of George III. with Lord North; by W. B. Donne, 2 vols. 8vo. 1867.

or opposed, and how measures should be carried. He reserved to himself all the patronage,—he arranged the entire cast of the administration,—settled the relative places and pretensions of *ministers of state*, of law officers, and members of his household,—nominated and promoted the English and Scotch judges,—appointed and translated bishops, nominated deans, and dispensed other preferments in the church.[1] He disposed of military governments, regiments, and commissions; and himself ordered the marching of troops.[2] He gave or refused titles, honours, and pensions.[3] All his directions were peremptory: Louis the Great himself could not have been more royal:—he enjoyed the consciousness of power, and felt himself 'every inch a king.'

Results of the king's policy.

But what had been the result of twenty years of kingcraft? Whenever the king's personal influence had been the greatest, there had been the fiercest turbulence and discontent among the people, the most signal failures in the measures of the government, and the heaviest disasters to the state. Of all the evil days of England during this king's long reign, the worst are recollected in the ministries of Lord Bute, Mr. Grenville, the Duke of

[1] Corr. of George III. with Lord North, ii. 37, 212, 235, 368, *et passim*. Wraxall's Mem., ii. 148. Much to his credit, he secured the appointment of the poet Gray to the professorship of Modern History at Cambridge, 8th March, 1771.

[2] 25th October, 1775: 'On the receipt of your letter, *I have ordered* Elliott's dragoons to march from Henley to Hounslow.'

[3] 'We must husband honours,' wrote the king to Lord North on the 18th July, 1777, on refusing to make Sir W. Hamilton a privy-councillor.

Grafton, and Lord North. Nor had the royal will,—however potential with ministers,—prevailed in the government of the country. He had been thwarted and humbled by his parliaments, and insulted by demagogues: parliamentary privilege, which he had sought to uphold as boldly as his own prerogative, had been defied and overcome by Wilkes and the printers: the liberty of the press, which he would have restrained, had been provoked into licentiousness: and his kingdom had been shorn of some of its fairest provinces.[1]

Rockingham ministry, 1782.

On the retirement of Lord North, the king submitted, with a bad grace, to the Rockingham administration. He found places, indeed, for his own friends, but the policy of the cabinet was as distasteful to him as were the persons of some of the statesmen of whom it was composed. Its first principle was the concession of independence to America, which he had so long resisted: its second was the reduction of the influence of the crown, by the abolition of offices, the exclusion of contractors from Parliament, and the disfranchisement of revenue officers.[2] Shortly after its formation, Mr. Fox, writing to Mr. Fitzpatrick,[3] said: 'provided we can stay in long enough to give a good stout blow to the influence of the crown, I do not think it much signifies how soon we go out after.'[4] This ministry was constituted of materials

[1] See Mr. Powys's apt quotation from Gibbon, 12th Decr., 1781; Parl. Hist., xxii. 803; Wraxall's Mem., ii. 460.

[2] Rockingham Mem., i. 452.

[3] 28th April, 1782.

[4] Fox Mem., i. 317.

not likely to unite,—of men who had supported the late ministry, and of the leaders of the parliamentary opposition,—or, as Mr. Fox expressed it, 'it consisted of two parts, one belonging to the king, the other to the public.'[1] Such men could not be expected to act cordially together: but they aimed their blow at the influence of the crown, by passing the contractors' bill, the revenue officers' bill, and a bill for the reduction of offices.[2] They also suffered the former policy of the court to be stigmatised, by expunging from the journals of the House of Commons, the obnoxious resolutions which had affirmed the disability of Wilkes. A ministry promoting such measures as these, was naturally viewed with distrust and ill-will by the court. So hard was the struggle between them, that the surly chancellor, Lord Thurlow,—who had retained his office by the express desire of the king, and voted against all the measures of the government,—affirmed that Lord Rockingham was 'bringing things to a pass where either his head or the king's must go, in order to settle which of them is to govern the country.'[3] The king was described by his Tory friends as a prisoner in the hands of his ministers, and represented in the caricatures of the day, as being put in fetters by his gaolers.[4] In the same spirit, ministers were termed the 'Regency,'

[1] Fox Mem., i. 292; Lord John Russell's Life of Fox, i. 281, *et seq* Lord John Russell says: 'It must be owned that the composition of the Rockingham ministry was a masterpiece of royal skill'—*Ibid.* 255; Wraxall's Mem., iii. 10–18.

[2] See Chapter VI.

[3] Fox Mem., i. 294.

[4] Rockingham Mem., ii. 466.

as if they had assumed to exercise the royal authority. In a few months, however, this ministry, was on the point of breaking up, in consequence of differences of opinion and personal jealousies, when the death of Lord Rockingham dissolved it.

Lord Shelburne's ministry. 1st July, 1782.

Mr. Fox and his friends retired, and Lord Shelburne, who had represented the king in the late cabinet, was placed at the head of the new administration; while Mr. William Pitt now first entered office, though little more than twenty-three years of age, as Chancellor of the Exchequer.[1] The secession of the popular party restored the king's confidence in his ministers, who now attempted to govern by his influence, and to maintain their position against a formidable combination of parties. Horace Walpole represents Lord Shelburne as 'trusting to maintain himself entirely by the king;'[2] and such was the state of parties that, in truth, he had little else to rely upon. In avowing this influence, he artfully defended it, in the spirit of the king's friends, by retorting upon the great Whig families. He would never consent, he said, 'that the king of England should be a king of the Mahrattas; for among the Mahrattas the custom is, it seems, for a certain number of great lords to elect a Peishwah, who is thus the creature of the aristocracy, and is vested with the plenitude of power, while their king is, in fact, nothing more than a royal pageant.'[3]

1 Tomline's Life of Pitt, i. 86.
2 Fox Mem., ii. 11.
3 Parl. Hist., xxii. 1003.

By breaking up parties, the king had hoped to secure his independence and to enlarge his own influence; but now he was startled by a result which he had not anticipated. '*Divide et impera*' had been his maxim, and to a certain extent it had succeeded. Separation of parties had enfeebled their opposition to his government; but now their sudden combination overthrew it. When the preliminary articles of peace with America were laid before Parliament, the parties of Lord North and Mr. Fox,—so long opposed to each other, and whose political hostility had been embittered by the most acrimonious disputes,—formed a 'Coalition,' and outvoted the government, in the House of Commons.[1] Overborne by numbers, the minister resigned; and the king alone confronted this powerful coalition. The struggle which ensued was one of the most critical in our modern constitutional history. The royal prerogatives on the one side, and the powers of Parliament on the other, were more strained than at any time since the Revolution. But the issue illustrated the paramount influence of the crown.

Combination of parties against the king

'The coalition.'

17th and 21st Feb., 1783.

The leaders of the coalition naturally expected to succeed to power; but the king was resolved to resist their pretensions. He sought Mr. Pitt's assistance to form a government; and with such a minister, would have braved the united forces of the opposition. But that sagacious statesman,

[1] Lord Auckland's Corr., i. 8, 41.

though not yet twenty-four years of age,[1] had taken an accurate survey of the state of parties, and of public opinion; and seeing that it was not yet the time for putting himself in the front of the battle, he resisted the solicitations of his Majesty, and the advice of his friends, in order to await a more fitting opportunity of serving his sovereign.[2] In vain did the king endeavour once more to disunite the coalition, by making separate proposals to Lord North and the Duke of Portland. The new confederacy was not to be shaken,—and the king found himself at its mercy. It was long, however, before he would submit. He wrote to Lord Weymouth 'to desire his support against his new tyrants;'[3] and 'told the Lord Advocate that sooner than yield he would go to Hanover, and had even prevailed upon the queen to consent.' From this resolution he was probably dissuaded by the rough counsels of Lord Thurlow. 'Your Majesty may go,' said he, 'nothing is more easy: but you may not find it so easy to return, when your Majesty becomes tired of staying there.' It was not until the country had been for seventeen days without a government, that the king agreed to Lord North's scheme of a coalition ministry. But further difficulties were raised; and at length the House of Commons interposed.

23rd March, 1783. After several debates,—in one of which Mr. Fox accused the king's secret friends of breaking off the negotiation,—the House ad-

[1] Mr. Pitt was born 28th May, 1759.

[2] Tomline's Life of Pitt, i. 140; Lord Stanhope's Life of Pitt, i. 103–111; Letters of the King to Mr. Pitt, *Ibid.*, App. ii. iii.

[3] Fox Mem., ii. 42 (Horace Walpole).

dressed his Majesty to form 'an administration entitled to the confidence of his people.' The address was graciously answered; but still no ministry was formed. Again the king pressed Mr. Pitt to become his premier, who again firmly and finally refused.[1] At length, after an extraordinary interval of thirty-seven days, from the 24th February to the 2nd April, the coalition ministry was completed under the Duke of Portland.[2]

24th March.

Coalition ministry, 1783

Such are the vicissitudes of political life, that Lord North, who for years had been the compliant and obsequious minister of the king, was now forcing his way into office, in alliance with Mr. Fox, the king's most dreaded opponent, and lately his own. While the king was yet holding them at bay, the new friends were concerting measures for restraining his future influence. As no one had submitted to that influence so readily as Lord North, we cannot intrude into their secret conferences without a smile. Mr. Fox insisted that the king should not be suffered to be his own minister, to which Lord North replied: 'If you mean there should not be a government by departments, I agree with you. I think it a very bad system. There should be one man, or

Efforts of the coalition to restrain the king's influence.

[1] Tomline's Life of Pitt, i. 150. Letter to the King, 25th March, 1783; Lord Stanhope's Life of Pitt, i. App. ii.; Wraxall's Mem., iii. 337, 353, 374, &c.

[2] The king availed himself of his freedom from ministerial restraint, to fill up the vacant see of Canterbury. The translation of Dr Moore, Bishop of Bangor, was completed on the very day on which the coalition ministry was finally installed.—*Wraxall's Mem.*, iii. 319.

a cabinet, to govern the whole, and direct every measure. Government by departments was not brought in by me. I found it so, and had not the vigour and resolution to put an end to it. The king ought to be treated with all sort of respect and attention: but the appearance of power is all that a king of this country can have. Though the government in my time was a government by departments, the whole was done by the ministers, except in a few instances.'[1]

The king's opposition to his ministers.

But whatever were the views of ministers regarding the king's future authority, he himself had no intention of submitting to them. He did not attempt to disguise his repugnance to the ministry which had been forced upon him: but, avowing that he yielded to compulsion, gave them to understand that they need expect no support from him, and that he would not create any British peers upon their recommendation. He told Lord Temple 'that to such a ministry he never would give his confidence, and that he would take the first moment for dismissing them.'[2] The coalition had not found favour in the country; and no pains were spared, by the king's friends, to increase its unpopularity. Meanwhile the king watched all the proceedings of his ministers with jealousy, thwarted them whenever he could, criticised their policy, and openly assumed an attitude of opposition.[3] Thus, writing to Mr. Fox, who, as

[1] Fox Mem., ii. 38.

[2] Court and Cabinets of George III., i. 302; Wraxall's Mem., iii. 378, iv. 490.

[3] See Wraxall's Mem., iv. 527.

secretary of state, was negotiating the peace, in August, 1783, he said: 'I cannot say that I am so surprised at France not putting the last strokes to the definitive treaty, as soon as we may wish, as our having totally disarmed, in addition to the extreme anxiety shown for peace, during the whole period that has ensued, since the end of February, 1782, *certainly* makes her feel that she can have no reason to apprehend any evil from so slighting a proceeding.'[1]

Mr. Fox's India Bill, 1783.

An opportunity soon arose for more active hostility. Mr. Fox's India Bill had been brought into the House of Commons; and, in spite of the most strenuous opposition, was being rapidly passed by large majorities. It was denounced as unconstitutional, and as an invasion of the prerogatives of the crown: but no means had been found to stay its progress. The king now concerted with his friends a bold and unscrupulous plan for defeating the bill, and overthrowing his ministers. Instead of requiring the withdrawal or amendment of the bill,—as he was entitled to do,—his name was to be used, and an active canvass undertaken by his authority, against the measure of his own ministers. Though this plan was agreed upon eight days before the bill reached the House of Lords, it was cautiously concealed. To arrest the progress of the bill in the Commons was hopeless; and the interference of the crown, in that House, would have excited dangerous resentment. The

Use of the king's name against it.

[1] Fox Mem., ii. 141.

blow was therefore to be struck in the other House, where it would have greater weight, and be attended with less danger.[1] Lord Temple,—who had suggested this plan, in concert with Lord Thurlow, and to whom its execution was entrusted,—having had an audience with his Majesty, declared himself authorised to protest against the bill in the king's name. And in order to leave no doubt as to his commission, the following words were written upon a card:—

'His Majesty allows Earl Temple to say that whoever voted for the India Bill, was not only not his friend, but would be considered by him as an enemy; and if these words were not strong enough, Earl Temple might use whatever words he might deem stronger, and more to the purpose.'[2]

With these credentials, Lord Temple proceeded to canvass the peers,—with what success was soon apparent. On the first reading, supported by Lord Thurlow and the Duke of Richmond, he gave the signal of attack. The peers assumed a threatening attitude,[3] and on the 15th December, placed the ministers in a minority, on a question of adjournment. Little secrecy or reserve was maintained by the king's friends, who took care to proclaim his Majesty's wishes. The use made of the king's name was noticed by the Duke of Portland, the Duke of

[1] Court and Cabinets of George III., i. 288, 289; Wraxall's Mem., iv. 557, *et seq.* 589; Lord Stanhope's Life of Pitt, i. 146.

[2] Court and Cabinets of George III., i. 288, 289; Fox Mem., ii. 253; Lord John Russell's Life of Fox, ii. 40.

[3] Many of them withdrew their proxies from the ministers a few hours before the meeting of the House.—*Parl. Hist.*, xxiv. 211.

Richmond, and Earl Fitzwilliam: and was not denied by Lord Temple.[1]

Mr. Fitzpatrick, writing to Lord Ossory, on the 15th December, said: 'the proxies of the king's friends are arrived against the bill. The public is full of alarm and astonishment at the treachery, as well as the imprudence, of this unconstitutional interference. Nobody guesses what will be the consequences of a conduct that is generally compared to that of Charles I., in 1641.'[2]

Declaration of the Commons against the use of the king's name. 17th Dec., 1783.

Before the success of the court measures was complete, the Commons endeavoured to arrest them. On the 17th December, Mr. Baker, after denouncing secret advice to the crown, against its responsible ministers, and the use of the king's name, moved a resolution, 'that it is now necessary to declare, that to report any opinion, or pretended opinion, of his Majesty, upon any bill, or other proceeding, depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanour, derogatory to the honour of the crown,—a breach of the fundamental privileges of Parliament, and subversive of the constitution.'[3]

In vain did Mr. Pitt contend that the House could not deal with rumours, and that the hereditary councillors of the crown had always a right to give advice to their sovereign. Mr. Fox replied in a

[1] 15th Dec., 1783; Parl. Hist., xxiv. 151–160; Tomline's Life of Pitt, i. 222; Rose Corr., i. 47; Lord John Russell's Life of Fox, i. 41, Auckland Corr., i. 67; Lord Stanhope's Life of Pitt, i. 146–151.

[2] Fox Mem., ii. 220.

[3] Com. Journ., xxxix. 842; Parl. Hist., xxiv. 199.

masterly speech, full of constitutional arguments, and eloquent with indignant remonstrances.[1] The resolution was voted by a majority of seventy-three; and the House resolved to go into committee on the state of the nation, on the following Monday. But this was not enough. It was evident that the king had determined upon a change of ministers; and lest he should also attempt to overthrow the obnoxious majority by a sudden dissolution, the House, on the motion of Mr. Erskine, agreed to a resolution affirming the necessity of considering a suitable remedy for abuses in the government of the British dominions in the East Indies; and declaring 'that this House will consider as an enemy to his country, any person who shall presume to advise his Majesty to prevent, or in any manner interrupt, the discharge of this important duty.'[2] The Commons had a right to protest against the irregular acts of the king's secret advisers: but the position assumed by ministers was indeed anomalous. It was not for them to level censures against the king himself. They should either have impeached or censured Lord Temple, or, protesting against the abuse of his Majesty's name, should have tendered their own resignation.[3]

[1] Mr. Fox cited the words reported to have been used by Lord Temple, and challenged a contradiction; upon which Mr. W. Grenville said, he was authorised by his noble relative to say that he had never made use of those words. This denial, as Mr. Fox observed, amounted to nothing more than that these had not been the precise words used.—*Parl. Hist.*, xxiv. 207, 225. And see Lord Stanhope's Life of Pitt, i. 154.

[2] Parl. Hist., xxiv. 226.

[3] Fox Mem., ii. 299; Lord John Russell's Life of Fox, ii. 45–48.

But the strange spectacle was here exhibited, of a king plotting against his own ministers,—of the ministers inveighing against the conduct of their royal master,—of the House of Commons supporting them, and condemning the king,—and of the king defying at once his ministers and the House of Commons, and trusting to his influence with the Peers. The king's tactics prevailed. On the very day on which the Commons agreed to these strong remonstrances against his interference, it was crowned with complete success. The bill was rejected by the House of Lords,[1] and the next day the king followed up his advantage, by at once dismissing his ministers.[2] To make this dismissal as contemptuous as possible, he sent a message to Lord North, and Mr. Fox, commanding them to return their seals by their under-secretaries, as an audience would be disagreeable to his Majesty.[3] Earl Temple, who had done the king this service, was entrusted with the seals for the purpose of formally dismissing the other ministers: the man who had been the king's chief agent in defeating them, was chosen to offer them this last affront.

The India Bill lost, and ministers dismissed

But the battle was not yet won. The king had struck down his ministers, though supported by a vast majority of the House of Commons: he had now to support a minister of his own

Mr. Pitt as premier, 1783.

[1] 17th Dec., 1783. By a majority of 19.—*Parl. Hist.*, xxiv. 196.

[2] Mr. Fox, writing immediately afterwards, said: 'We are beat in the House of Lords by such treachery on the part of the king, and such meanness on the part of his friends in the House of Lords, as one could not expect either from him or them.'—*Fox Mem.*, ii. 221, 253.

[3] Annual Reg., xxvii. [71]; Tomline's Life of Pitt, i. 230.

choice against that majority, and to overcome it. Mr. Pitt no longer hesitated to take the post of trust and danger, which the king at once conferred upon him. His time had now come: and he resolved to give battle to an angry majority,—under leaders of great talents and experience,—smarting under defeat, and full of resentment at the unconstitutional means by which they had been overthrown. He accepted the offices of first lord of the Treasury and chancellor of the Exchequer; and the king's sturdy friend, Lord Thurlow, was reinstated as lord chancellor. Mr. Pitt had also relied upon the assistance of Earl Temple,[1] whose zeal in the king's service was much needed in such a crisis; but that nobleman resigned the seals a few days after he had received them, assigning as his reason a desire to be free to answer any charges against him, arising out of his recent conduct.[2]

Opposition in the Commons.

The contest which the youthful premier had now to conduct, was the most arduous that had ever devolved upon any minister, since the accession of the House of Hanover. So overpowering was the majority against him, that there seemed scarcely a hope of offering it an effectual resistance. His opponents were so confident of success, that when a new writ was moved for Appleby, on his acceptance of office, the motion was received with shouts of derisive laughter.[3] And while the presumption of

[1] He was intended to lead the House of Lords.—*Tomline's Life of Pitt*, i. 282.

[2] Parl. Hist., xxiv. 287. As to other causes of this resignation, see Lord Stanhope's Life of Pitt, i. 160-164.

[3] Tomline's Life of Pitt, i. 287.

the boy minister was ridiculed,[1] the strongest measures were immediately taken to deprive him of his authority, and to intimidate the court, whose policy he supported. Many of Mr. Pitt's advisers, despairing of his prospects with the present Parliament, counselled an immediate dissolution:[2] but the same consummate judgment and foresight which, a few months earlier, had induced him to decline office, because the time was not yet ripe for action, now led him to the conviction that he must convert public opinion to his side, before he appealed to the people. Though standing alone,—without the aid of a single cabinet minister, in the House of Commons,[3]—he resolved, under every disadvantage, to meet the assaults of his opponents on their own ground; and his talents, his courage, and resources ultimately won a signal victory.

Attempts to prevent a dissolution. 19th Dec., 1783

Secure of their present majority, the first object of the opposition was to prevent a dissolution which they believed to be impending. They could withhold the supplies, and press the king with representations against his ministers. His Majesty had the unquestioned prerogatives of appointing his own constitutional advisers and dissolving Parliament. The last appeal of both was to the people: and this appeal the Commons sought to

[1] Pitt, to use the happy phrase of Erskine, was 'hatched at once into a minister by the heat of his own ambition.'—*Parl. Hist.*, xxiv. 277. In the Rolliad, his youth was thus ridiculed:—

> 'A sight to make surrounding nations stare,—
> A kingdom trusted to a schoolboy's care.'

[2] Tomline's Life of Pitt, i. 241, 242.

[3] *Ibid.*, i. 236.

deny the king. The day after the dismissal of the late ministers, the opposition insisted on the postponement of the third reading of the Land-tax bill for two days, in order, as Mr. Fox avowed, that it might not 'go out of their hands until they should have taken such measures as would guard against the evils which might be expected from a dissolution.'[1] On the 22nd December, the House went into committee on the state of the nation, when Mr. Erskine moved an address to the crown representing 'that alarming rumours of an intended dissolution of Parliament have gone forth:' that 'inconveniences and dangers' were 'likely to follow from a prorogation or dissolution of the Parliament, in the present arduous and critical conjunction of affairs;' and beseeching his Majesty 'to suffer his faithful Commons to proceed on the business of the session, the furtherance of which is so essentially necessary to the prosperity of the public; and that his Majesty will be graciously pleased to hearken to the advice of his faithful Commons, and not to the secret advices of particular persons, who may have private interests of their own, separate from the true interests of his Majesty and his people.'[2] Notwithstanding assurances that Mr. Pitt had no intention of advising a dissolution, and would not consent to it if advised by others, the address was agreed to, and presented to the king by the whole House. In his answer the king assured them that he would 'not interrupt

[1] Parl. Hist., xxiv. 230.
[2] *Ibid.*, 246. The last paragraph of the address was taken from an address to William III. in 1693.

their meeting by any exercise of his prerogative, either of prorogation or dissolution.'[1] This assurance, it was observed, merely referred to the meeting of Parliament after the Christmas recess, and did not remove the apprehensions of the opposition. On the 24th of December, a resolution was agreed to, that the Treasury ought not to consent to the acceptance of any more bills from India, until it should appear to the House that there were sufficient means to meet them.[2]

These strong measures had been taken in Mr. Pitt's absence; and on his return to the House, after Christmas, the opposition resumed their offensive attitude. Mr. Fox went so far as to refuse to allow Mr. Pitt to deliver a message from the king; and being in possession of the House, at once moved the order of the day for the committee on the state of the nation. In the debate which ensued, the opposition attempted to extort a promise that Parliament should not be dissolved: but Mr. Pitt said he would not 'presume to compromise the royal prerogative, or bargain it away in the House of Commons.'[3] This debate was signalised by the declaration of General Ross that he had been sent for by a lord of the Bedchamber, and told that if he voted against the new administration on the 12th January, he would be considered as an enemy to the king.[4] Unable to obtain any pledge from the minister, the opposition at once addressed themselves

12th Jan. 1784

[1] Parl. Hist., xxiv. 261

[2] *Ibid.*, 267.

[3] *Ibid.*, 294; Lord Stanhope's Life of Pitt, i. 180.

[4] Parl. Hist., xxiv. 295, 299.

to devise effectual obstacles to an early dissolution. The House having resolved itself into the committee on the state of the nation, at half past two in the morning, Mr. Fox immediately moved a resolution, which was agreed to without a division, declaring it to be a high crime and misdemeanour to issue, after a dissolution or prorogation, any money not appropriated by Parliament.[1] He then moved for 'accounts of the several sums of money issued, or ordered to be issued, from the 19th December, 1783, to the 14th January, 1784,' for 'services voted in the present session, but not appropriated by any act of Parliament to such services.' He also proposed to add, 'that no moneys should be issued for any public service, till that return was made, nor for three days afterwards;' but withdrew this motion, on being assured that it would be attended with inconvenience. He further obtained the postponement of the Mutiny Bill until the 23rd February, which still left time for its passing before the expiration of the annual Mutiny Act.

Resolution against issue of money unappropriated by Parliament.

These resolutions were followed by another, proposed by the Earl of Surrey, 'that in the present situation of his Majesty's dominions, it is peculiarly necessary that there should be an administration that has the confidence of this House

Earl of Surrey's resolutions.

[1] Com. Journ., xxxix. 858. These grants were re-voted in the next Parliament,—a fact overlooked by Dr. Tomline, who states that the Appropriation Act of 1784 included the supplies of the previous session, without any opposition being offered.—*Life of Pitt*, i. 307; Lord Stanhope's Life of Pitt, i. 223; 24 Geo. III., Sess. 2, c. 24; Com. Journ., xxxix. 739; *Ibid.*, xl. 36.

and the public.' This being carried, he proceeded to another, 'that the late changes in his Majesty's councils were immediately preceded by dangerous and universal reports: that his Majesty's sacred name had been unconstitutionally abused to affect the deliberations of Parliament; and that the appointments made were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House.' All these resolutions were reported immediately and agreed to; and the House did not adjourn until half-past seven in the morning.[1]

Resolutions declaring want of confidence, 16th Jan. 1784

Two days afterwards the attack was renewed. A resolution was carried in the committee, 'that the continuance of the present ministers in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his Majesty and his people.'[2] The opposition accused the minister of reviving the distracted times before the Revolution, when the House of Commons was generally at variance with the crown; but he listened to their remonstrances with indifference. He brought in his India Bill: it was thrown out after the second reading. Again, he was goaded to declare his intentions concerning a dissolution; but to the indignation of his opponents, he maintained silence.[3] At length, on the 26th

Jan. 23rd.

[1] Parl. Hist., xxiv. 317.

[2] *Ibid.*, xxiv. 361.

[3] The king and others were pressing Mr Pitt to appeal to the people at this time, but he resisted their counsels.—*Lord Stanhope's Life of Pitt*, i. 181; and King's Letters. *Ibid.*, App. iv.

service men the most deserving of the confidence of his Parliament, and of the public in general.'[1]

Retort of the Commons.

To these proceedings the Commons replied by inspecting the Lords' Journal for their obnoxious resolutions,—by searching for precedents of the usage of Parliament,—and, finally, by declaring that the House had not assumed to suspend the execution of law;—and that they had a right to declare their opinion respecting the exercise of every discretionary power, and particularly with reference to public money. They justified their previous votes, and asserted their determination to maintain their own privileges, while they avoided any encroachment on the rights of either of the other branches of the legislature.

Postponement of the supplies.

In the meantime, no answer had been returned to the resolutions which the Commons had laid before the king. When this was noticed, Mr. Pitt was silent;[2] and at length, on the 10th February, on the report of the ordnance estimates, Mr. Fox said that the House could not vote supplies, until they knew what answer they were to receive. Mr. Pitt engaged that the House should be informed what line of conduct his Majesty intended to pursue; and the report, instead of being agreed to, was recommitted. On the 18th, Mr. Pitt acquainted the House 'that his Majesty had not yet, in compliance with the resolutions of the House, thought proper to dismiss his present ministers; and that his Majesty's ministers had not

[1] Parl. Hist., xxiv. 525. See also Lord Auckland's Corr., i. 74.
[2] Feb. 9th; Parl. Hist., xxiv. 571.

resigned.' This announcement was regarded as a defiance of the House of Commons, and again the supplies were postponed for two days: though the leaders of the opposition disclaimed all intention of refusing them.[1] On the 20th, another resolution and an address were voted,[2] expressing reliance upon the royal wisdom to remove 'any obstacle to the formation of such an administration as the House has declared to be requisite.' The address was presented by the whole House. The king replied, that he was anxious for a firm and united administration: but that no charge had been suggested against his present ministers: that numbers of his subjects had expressed satisfaction at the late changes in his councils; and that the Commons could not expect the executive offices to be vacated, until such a plan of union as they had pointed out, could be carried into effect.[3] This answer was appointed to be considered on the 1st March, to which day the House adjourned, without entering upon any other business; and thus again the supplies were postponed. On the motion of Mr. Fox, the House then presented a further address to the king, submitting 'that the continuance of an administration which does not possess the confidence of the representatives of the people, must be injurious to the public service,' and praying for its removal. Mr. Fox maintained it to be without

Further addresses to the king

[1] Parl. Hist., xxiv. 595; Com. Journ., xxxix. 931.

[2] While in the lobby, on the division on the resolution, Mr. Fox proposed to his supporters to move an address immediately afterwards, which was agreed to at five o'clock in the morning.

[3] Parl. Hist., xxiv. 677.

precedent for a ministry to hold office, in defiance of the House of Commons. Mr. Pitt retorted that the history of this country afforded no example of a ministry being called upon to retire untried, and without a cause. The king, in his reply, took up the same ground, and affirming that no charge, complaint, or specific objection had yet been made against any of his ministers, again declined to dismiss them. And thus stood the king and his ministers on one side, and the House of Commons on the other, arrayed in hostile attitude,—each party standing firmly on its constitutional rights: the one active and offensive,—the other patiently waiting to strike a decisive blow.

The Mutiny Bill was now postponed for some days, as its passing was expected to be the signal for an immediate dissolution; and one more effort was made to drive the ministers from office. On the 8th March, 'a representation' to the king was moved by Mr. Fox,[1] to testify the surprise and affliction of the House on receiving his Majesty's answer to their last address,—reiterating all their previous statements,—comparing the conduct and principles of his advisers with those which characterised the unfortunate reigns of the Stuarts,—justifying the withholding of their confidence from ministers without preferring any charge, as it was their removal and not their punishment which was sought,—and taking credit to themselves for their

[1] On this occasion strangers were excluded, at the instance of Sir James Lowther, who had failed in gaining admission to the gallery for a friend. The debate is not therefore fully reported.

forbearance, in not withholding the supplies.[1] This was the last struggle of the opposition. When their encounters with the ministry began, their majority was nearly two to one. This great disproportion soon diminished, though it was still, for a time, considerable. On the 12th January, their majority was fifty-four; on the 20th February, it was reduced to twenty. On the 1st March it fell to twelve: on the 5th it was only nine; and now, on this last occasion, it dwindled to one. The parliamentary contest was at an end. The king and his ministers had triumphed, and were about to appeal from Parliament to the people. The Mutiny Bill was passed:[2] large supplies were voted rapidly, but not appropriated: on the 24th March Parliament was prorogued, and on the following day dissolved.

Final triumph of the ministers.

While this contest was being carried on in Parliament, the contending parties were not idle out of doors. The king, who rushed into it with so much boldness, had not been prepared for the alarming demonstrations of Parliament. If the minister of his choice had now been driven from power, he would have been prostrate before the coalition. This danger was at first imminent; and the king awaited it with dismay. Defeat in such a contest would have been humiliating and disgraceful. Believing that he could be 'no longer of utility to this country, nor could with honour continue in this

Reflections on this struggle.

[1] Parl. Hist., xxiv. 736

[2] See Lord Stanhope's Life of Pitt, i. 193; King's Letter, *Ibid.*, App. xi.

island,' he repeated his threats of retiring to Hanover, rather than submit to what he deemed the destruction of his kingly power.[1] From such extremities, however, he was relieved by the declining numbers of his opponents, and the increasing influence and popularity of his own cause. The coalition, though powerful in Parliament, by means of a combination of parties, had never been popular in the country. While in power they had been exposed to continual obloquy, which was redoubled after their dismissal. The new ministers and the court party, taking advantage of this feeling, represented Mr. Fox's India Bill as an audacious attempt to interfere with the prerogatives of the crown, and its authors as enemies of the king and constitution. The loyalty of the people was aroused, and they soon ranged themselves on the side of the king and his ministers. Addresses and other demonstrations of popular sympathy were received from all parts of the country; and the king was thus encouraged to maintain a firm attitude in front of his opponents.[2] The tactics of the two parties in Parliament, and the conduct of their leaders, were also calculated to convert public opinion to the king's side. Too much exasperated to act with caution, the opposition ruined their cause by factious extravagance and

[1] Tomline's Life of Pitt, i. 271, 341, 396; Lord Stanhope's Life of Pitt, i. App. iv. vi.

[2] Writing to Mr. Pitt, 22nd Feb., in reference to his answer to the address of the 20th, the king said: 'I trust that while the answer is drawn up with civility, it will be a clear support of my own rights, which the addresses from all parts of the kingdom show me the people feel essential to their liberties.'—*Tomline's Life of Pitt*, i. 457.

precipitancy. They were resolved to take the king's cabinet by storm, and without pause or parley struck incessantly at the door. Their very dread of a dissolution, which they so loudly condemned, showed little confidence in popular support. Instead of making common cause with the people, they lowered their contention to a party struggle. Constitutionally the king had a right to dismiss his ministers, and to appeal to the people to support his new administration. The opposition endeavoured to restrain him in the exercise of this right, and to coerce him by a majority of the existing House of Commons. They had overstepped the constitutional limits of their power; and the assaults directed against prerogative, recoiled upon themselves.

On the other side, Mr. Pitt, as minister, relied upon the prerogative of the king to appoint him,—the duty of Parliament to consider his measures,—and his own right to advise the king to dissolve Parliament, if those measures were obstructed. The tact, judgment, courage, and commanding talents of Mr. Pitt inspired his party with confidence, and secured popularity for his cause; while, by maintaining a defensive attitude, he offered no diversion to the factious tactics of his opponents. His accession to office had been immediately marked by the defection of several members from the opposition,—a circumstance always calculated upon by a minister in those times,—and was soon followed by the forbearance of others, who were not prepared to participate in the violent measures of their leaders. The influence of the court and govern-

ment was strenuously exerted in making converts; and the growing popularity of their cause discouraged the less zealous of their opponents.

Mr. Pitt had waited patiently while the majorities against him in Parliament were falling away, and public opinion was declaring itself, more and more, in his favour. The results of the dissolution now revealed the judgment with which he had conducted his cause, and chosen his time for appealing to the people.[1] Every preparation had been made for using the influence of the crown at the elections: the king himself took the deepest personal interest in the success of the ministerial candidates;[2] and Mr. Pitt's popularity was at its height, when Parliament was dissolved. His enemies were everywhere put to the rout, at the hustings. To support Mr. Pitt was the sole pledge of the popular candidates. Upwards of one hundred and sixty of his late opponents lost their seats:[3] and on the assembling of the new Parliament, he could scarcely reckon his majorities.[4] The minister was popular in the country, all-powerful in Parliament, and had

[1] 'The precedent of 1784 establishes this rule of conduct: that if the ministers chosen by the Crown do not possess the confidence of the House of Commons, they may advise an appeal to the people, with whom rests the ultimate decision. This course has been followed in 1807, in 1831, in 1834, and in 1841. In 1807 and 1831, the Crown was enabled, as in 1784, to obtain the confidence of the new House of Commons. In 1834 and 1841, the decision was adverse to the existing ministry.'—*Fox Mem.*, ii. 246.

[2] Rose Corr., i. 61, 62.

[3] Tomline's Life of Pitt, i. 469; Lord Stanhope's Life of Pitt, i. 204–207.

[4] His India Bill was carried by a majority of 271 to 60. He was defeated, however on the Westminster Scrutiny, Parliamentary Reform, and the Scheme of Fortifications on the Coast.

the entire confidence of the court. If such was the success of the minister, what was the triumph of the king! He had expelled one ministry, and retained another, in defiance of the House of Commons. The people had pressed forth loyally to his support; and by their aid, he had overborne all opposition to his will. He now possessed a strong government, and a minister in whom he confided; and he enjoyed once more power, freedom, and popularity. Not only had he overcome and ruined a party which he hated: but he had established the ascendency of the crown, which henceforth, for nearly fifty years, continued to prevail over every other power in the state.

Its results upon the future policy of the state.

Relations of Mr. Pitt to the king.

Such results, however, were not without danger. Already the king was too prone to exercise his power; and the encouragement he had received, was likely to exalt his views of prerogative. But he had now a minister who—with higher abilities and larger views of state policy—had a will even stronger than his own. Throughout his reign, it had been the tendency of the king's personal administration to favour men whose chief merit was their subservience to his own views, instead of leaving the country to be governed,—as a free state should be governed,—by its ablest and most popular statesmen.[1] He had only had one other minister of the same lofty pretensions,—Lord Chatham; and now, while trusting that statesman's son,—sharing his councils, and approving his

[1] See Lord J. Russell's Introd. to vol. iii. of Bedford Corr., pp. l-liii.

policy,—he yielded to his superior intellect. Yet were the royal predilections not without influence on the minister. Reared in the Whig school, Mr. Pitt soon deserted the principles, as he had been severed from the connections, of that party. He had been raised to power by royal favour,—maintained in it by prerogative,—and was now in the ascendant, by having made common cause with the crown. Hence he naturally leant towards prerogative, and Tory principles of government. His contests with his great antagonist, Mr. Fox, and the Whig party, still further alienated him from the principles of his youth. Until the French Revolution, however, his policy was wise and liberal: but from that time his rule became arbitrary, and opposed to public liberty. And such were his talents, and such the temper of the times, that he was able to make even arbitrary principles popular. During his long administration the people were converted to Tory principles, and encouraged the king and the minister to repress liberty of thought, and to wage war against opinion. If the king was no longer his own minister,—as in the time of Lord North,—he had the satisfaction of seeing his own principles carried out by hands far abler than his own. In prosecutions of the press, and the repression of democratic movements at home,[1] the minister was, perhaps, as zealous as the king: in carrying on war to crush democracy abroad, the king was more zealous than his minister.[2] They

[1] See Chapter IX., Press and Liberty of Opinion.
[2] See Lord Stanhope's Life of Pitt, ii. 73; *Ibid.*, App. xvii. xxvii. xxx.; iii., App. ii. iii. xxi.

laboured strenuously together in support of monarchy all over the world; and respected too little the constitutional liberties of their own people.

Nor did the king relax his accustomed activity in public affairs. From the close of the American war until the breaking out of hostilities with France, his pleasure was taken by the Secretary-at-War upon every commission granted in the army; and throughout Mr. Pitt's administration, every act of the executive was submitted to him, for his judgment and approval.[1] We find him combating the opinions of his cabinet concerning foreign affairs, in elaborate papers: criticising the policy of government measures,—commenting upon debates and divisions in Parliament: praising ministers, and censuring the opposition: approving taxes: discussing amendments to bills: settling the appointment and dismissal of officers, the grant of peerages, and the preferment of bishops.[2] With his own hand he struck the name of Mr. Fox from the list of privy-councillors.[3]

The king's continued activity.

And if, during the administration of Mr. Pitt, the king's independent exercise of influence was somewhat less active, the power of the crown itself,—as wielded jointly by himself

The influence of the Crown augmented.

[1] Mr Wynn, 14th April, 1812; Hans. Deb., xxii. 334. On recovering from his illness, Feb. 23, 1789, the king writes, 'I must decline entering into a pressure of business, and, indeed, *for the rest of my life*, shall expect others to fulfil the duties of their employments, and only keep that superintending eye which can be effected without labour and fatigue.'—*Lord Stanhope's Life of Pitt*, ii., App. vii.

[2] King's Letters, Lord Stanhope's Life of Pitt, iii., *App. passim*.

[3] May, 1798. Adolphus Hist., vi. 692; Holcroft's Mem., iii. 64; Pellew's Life of Lord Sidmouth, i. 214.

his personal influence against them, when he was pleased to use it. The first measure on which Mr. Pitt was likely to encounter objections from the king, was that for parliamentary reform. Having pledged himself to the principles of such a measure, while in opposition, he was determined not to be unfaithful to them in office. But before he ventured to bring forward his plan, he prudently submitted it to the king, and deprecated the opposition of the court. Writing, on the 20th March, 1785, the king said, Mr. Pitt's 'letter expressed that there is but one issue of the business he could look upon as fatal, that is, the possibility of the measure being rejected by the weight of those who are supposed to be connected with the government. Mr. Pitt must recollect that, though I have ever thought it unfortunate that he had early engaged himself in this measure, he ought to lay his thoughts before the House; that out of personal regard to him I would avoid giving any opinion to any one on the opening of the door to parliamentary reform, except to him; therefore I am certain Mr. Pitt cannot suspect my having influenced any one on the occasion. If others choose, for base ends, to impute such a conduct to me, I must bear it as former false suggestions.'[1] He proceeded to say that every man ought to vot according to his own opinion; and warned Mr. Pi that 'there are questions men will not, by frien ship, be biassed to adopt.' This incident is sign cant. Mr. Pitt apprehended the exertion of

[1] Tomline's Life of Pitt, ii. 40.

influence of the crown to defeat his measure. The king was aware of the suspicions attaching to himself: but while promising not to interfere, he could not refrain from intimating that the measure would be defeated,—as indeed it was,—without his interference. On both sides the personal influence of the king over the deliberations of Parliament, was fully acknowledged.

Preponderating influence of the crown.

The extent to which the preponderating influence of the crown was recognised during this period, is exemplified by the political relations of parties to his Majesty and to the Prince of Wales, on the occasion of the king's illness in 1788.[1] At that time, ministers enjoyed the entire confidence of the king, and commanded an irresistible majority in Parliament; yet was it well understood by both parties, that the first act of the Regent would be to dismiss his father's ministers, and take into his councils the leaders of the opposition.[2] Thus even the party which protested against the influence of the crown was quite prepared to use it, and by its aid to brave a hostile majority in Parliament, as Mr. Pitt had successfully done a few years before.

Mr. Pitt's fall.

At length Mr. Pitt's fall, like his rise, was due to the king's personal will; and was brought about in the same way as many previous political events, by irresponsible councils. There is reason to believe that Mr. Pitt's unbending temper,—increased in stubbornness by his long-continued supremacy in Parliament, and in the

[1] See Chap. III.

[2] Tomline's Life of Pitt, ii. 480

cabinet,—had become distasteful to the king.[1] His Majesty loved power at least as much as his minister, and was tenacious of his authority, even over those in whom he had confidence. Mr. Pitt's power had nearly overshadowed his own; and there were not wanting opinions among friends of the king, and rivals of the statesman, that the latter had 'an overweening ambition, great and opiniative presumption, and perhaps not quite constitutional ideas with regard to the respect and attention due to the crown.'[2]

Catholic Question, 1801.

While this feeling existed in regard to Mr. Pitt, his Majesty was greatly agitated by events which at once aroused his sensitive jealousy of councils to which he had not been admitted, and his conscientious scruples. Mr. Pitt and his colleagues thought it necessary to inaugurate the Union of Ireland, by concessions to the Roman Catholics;[3] and had been, for some time, deliberating upon a measure to effect that object. Upon this question, the king had long entertained a very decided opinion. So far back as 1795, he had consulted Lord Kenyon as to the obligations of his coronation oath; and though his lordship's opinions were not quite decisive upon this point,[4] his Majesty was persuaded that he was

The king's determined opposition to it.

[1] 27th Feb., 1801. 'I was told this evening, by Pelham, that his Majesty had for a long time since been dissatisfied with Pitt's, and particularly with Lord Grenville's "authoritative manners" towards him, and that an alteration in his ministry had long been in his mind.'—*Malmesbury Corr.*, iv. 24. See also Wraxall's Mem., iv. 483.

[2] Malmesbury Corr., iv. 35.

[3] See Chap. XII., XVI.

[4] They were published by Dr. Phillpotts (afterwards Bishop of Exeter) in 1827.

morally restrained, by that oath, from assenting to any further measures for the relief of the Roman Catholics. Long before the ministers had so far matured their proposal as to be prepared to submit it for his Majesty's approval, he had been made acquainted with their intentions. In September, 1800, Lord Loughborough had shown him a letter from Mr. Pitt upon the subject ; and the Archbishop of Canterbury, at the suggestion of Lord Auckland, had also informed the king that a scheme was in contemplation, which was represented as dangerous to the church.[1] In December, the lord chancellor communicated to his Majesty an elaborate paper against the Roman Catholic claims ;[2] and Dr. Stuart, Archbishop of Armagh,—a son of the king's old favourite, Lord Bute,—increased his Majesty's repugnance to the measure which the ministers were preparing.[3] The king immediately took counsel with some of the opponents of the Catholic claims ; and without waiting for any communication from Mr. Pitt, lost no time in declaring his own opinion upon the measure. At the levée on the 28th January, 1801, he told Mr. Windham, the Secretary-at-War, 'that he should consider any person who voted for it, as personally indisposed towards him.'[4] On the same occasion he said to

[1] Pellew's Life of Lord Sidmouth, i. 315; Malmesbury Corr., iv. 16, 17, 22; Lord Holland's Mem., i. 171 ; Lord Colchester's Diary, iii. 326. But see an elaborate vindication of Lord Auckland, *Corr.*, iii. 113-126.

[2] Lord Campbell's Lives of the Chancellors, vi. 306, 322, *et seq.* Rose's Corr., i. 229 ; Pellew's Life of Lord Sidmouth, i. 500.

[3] Castlereagh Corr., iv. 83.

[4] Malmesbury Corr., iv. 2. His Lordship, in relating this circumstance, states that Pitt had communicated the measure on the

Mr. Dundas, 'I shall reckon any man my personal enemy, who proposes any such measure. The most Jacobinical thing I ever heard of!'[1] On the 29th, he wrote to Mr. Addington, the Speaker, desiring him to 'open Mr. Pitt's eyes on the danger arising from the agitating this improper question.'[2] Mr. Addington undertook this commission, and thought he had dissuaded Mr. Pitt from proceeding with a measure, to which the king entertained insuperable objections.[3] But if at first inclined to yield, Mr. Pitt, after consulting the cabinet and other political friends, determined to take his stand, as a responsible minister, upon the advice he was about to tender to the king. Mr. Canning is said to have advised Mr. Pitt not to give way on this occasion. It was his opinion, 'that for several years so many concessions had been made, and so many important measures overruled, from the king's opposition to them, that government had been weakened exceedingly; and if on this particular occasion a stand was not made, Pitt would retain only a nominal power, while the real one would pass into the hands of those who influenced the king's mind and opinion, out of sight.'[4]

previous day; but it appears from Lord Sidmouth's Life, that this communication was not received by the king until Sunday the 1st Feb., though Lord Grenville and Mr. Dundas had already spoken to his Majesty upon the subject.—Pellew's Life of Lord Sidmouth, i. 285, 287.

[1] Wilberforce's Diary; Life, iii. 7; Court and Cabinets of Geo. III., iii. 120; Pellew's Life of Lord Sidmouth, i. 280; Rose's Corr., i. 303

[2] The king to Mr. Addington; Pellew's Life of Lord Sidmouth, i. 286, 287.

[3] *Ibid.*, i. 287; Lord Stanhope's Life of Pitt, iii. 274.

[4] Malmesbury Corr., iv. 3.

Mr. Pitt refuses to abandon it, and resigns.

Whether sharing this opinion or not, Mr. Pitt himself was too deeply impressed with the necessity of the measure, and perhaps too much committed to the Catholics, to withdraw it.[1] It appears, however, that he might have been induced to give way, if he could have obtained an assurance from his Majesty, that ministers should not be opposed by the king's friends in Parliament.[2] On the 1st February, he made the formal communication to the king, which his Majesty had, for several days, been expecting. The king, aware of Mr. Pitt's determination before he received this letter, had wished Mr. Addington, even then, to form a new administration. By Mr. Addington's advice, however, a kind but most unbending answer was returned to Mr. Pitt, in which his Majesty declared that a 'principle of duty must prevent him from discussing any proposition tending to destroy the groundwork of our happy constitution.'[3] The intensity of the king's feeling on the subject was displayed by what he said, about this time, to the Duke of Portland: 'Were he to agree to it, he should betray his trust, and forfeit his crown; that it might

[1] Insinuations that Mr. Pitt had other motives for retiring, apart from this measure, have been sufficiently answered; see Fox Mem., iii. 252; Edinb. Rev., ccx. 354; Lord Stanhope's Life of Pitt, iii. 309.

[2] Rose's Corr., i. 394, 399.

[3] The king to Mr. Pitt, 1st Feb., 1801; Pellew's Life of Lord Sidmouth, i. 291. All the correspondence between the king and Mr. Pitt is published in Dr. Phillpott's Pamphlet, 1827, and in the Quarterly Review, xxxvi. 290, and part of it in Lord Sidmouth's Life; Rose's Corr., ii. 286, *et seq.*, 303, 309. Lord Stanhope's Life of Pitt, iii. App.

bring the framers of it to the gibbet.' His trusty counsellor replied: 'he was sure the king had rather suffer martyrdom, than submit to this measure.'[1] In vain did Mr. Addington endeavour to accommodate these differences. Mr. Pitt, as inflexible as the king, resigned; and Mr. Addington was entrusted with the task of forming an anti-Catholic administration; while an active canvass was undertaken by the courtiers against the Catholic cause, as a matter personal to the king himself.[2]

Mr. Pitt's mismanagement of the Catholic question.

Mr. Pitt has been justly blamed for having so long concealed his intentions from the king. His Majesty himself complained to Lord Grenville, that the question had been under consideration since the month of August, though never communicated to him till Sunday, the 1st of February; and stated his own belief, that if the unfortunate cause of disunion had been openly mentioned to him 'in the beginning, he should have been able to avert it entirely.'[3] Whether this delay arose, as Lord Malmesbury has suggested, 'either from indolence,' or from want of a 'sufficient and due attention to the king's pleasure,'[4] it was assuredly a serious error of judgment. It cannot, indeed, be maintained that it was Mr. Pitt's duty to take his Majesty's pleasure, before any bill had been agreed upon by the cabinet; but his

[1] Malmesbury Corr., iv. 46.
[2] *Ibid.*, iv. 6; Castlereagh Corr., iv. 31; Court and Cabinets of Geo. III., iii. 128; Fox Mem., iii. 252; Pellew's Life of Lord Sidmouth, i. 83, &c.; Lord Colchester's Diary, i. 223-233.
[3] *King to Lord Sidmouth*, Feb. 7th; Lord Sidmouth's Life, i. 268.
[4] Malmesbury Corr., iv. 2

reticence, upon the general question, aroused the suspicions of the king, and gave those who differed from the minister an opportunity of concerting an opposition at court.[1]

His subsequent pledge not to revive it.

Mr. Pitt had forfeited power rather than abandon a measure which he deemed essential to the welfare of the state. Yet a few weeks afterwards, he was so deeply affected on hearing that the king had imputed his illness to the recent conduct of his minister, that he conveyed an assurance to his Majesty, that he would not revive the Catholic question.[2] Opposition was now disarmed; and the king alone was able to shape the policy of ministers and of Parliament.

The king's confidence in Mr. Addington.

Mr. Addington enjoyed the confidence, and even the affection of the king, whose correspondence at this period resembles—both in its minute attention to every department of business, foreign or domestic,[3] and in its terms of attachment—his letters to his former favourite, Lord North.[4] His Majesty was rejoiced

[1] Malmesbury Corr., iv. 2; Rose's Corr., i. 308.

[2] Malmesbury Corr., iv. 9, 20, 31; Gifford's Life of Pitt, vi. 599 Rose's Corr., i. 391; Lord Colchester's Diary, i. 243, ii. 378; Lord Stanhope's Life of Pitt, iii. 303.

[3] Pellew's Life of Lord Sidmouth, i. 365, 387, 395, 410, 411.

[4] *Ibid.*, i. 301, 303. On the 13th Feb., 1801, the king writes: 'I mean to have his affection as well as his zeal.'—*Ibid.*, 305. On the 5th March, he writes: 'The king cannot find words sufficiently expressive of his Majesty's cordial approbation of the whole arrangements which his own Chancellor of the Exchequer has wisely, and his Majesty chooses to add, most correctly recommended.'—*Ibid.*, 353. Again on the 19th May, and on other occasions, he terms Mr. Addington '*his* Chancellor of the Exchequer.'—*Ibid.*, 394. Sometimes he addresses him as 'My dear Chancellor of the Exchequer.' —*Ibid.*, 395. On the 14th June, he writes: 'The king is highly gratified at the repeated marks of the sensibility of Mr. Addington's

to find himself free from the restraints which the character and position of Mr. Pitt had imposed upon him; and delighted to honour the minister of his own choice,—who shared his feelings and opinions,—who consulted him on every occasion,—whose amiable character and respectful devotion touched his heart,—and whose intellect was not so commanding as to overpower and subdue his own.

Mr. Pitt restored to power, 1804.

This administration,—formed under circumstances unfavourable to its stability, and beset, from its very commencement, with jealousies and intrigues,[1] was upheld for three years, mainly by the influence of the crown. Feeble in parliamentary talent and influence, and wanting in popular support, it was yet able to withstand the united opposition of Mr. Pitt and Mr. Fox. At length, however, Mr. Addington, overcome by embarrassments, resigned.[2] It was not without reluctance that the king found himself obliged to part with his favourite minister, and to submit himself

heart, which must greatly add to the comfort of having placed him with so much propriety at the head of the Treasury. He trusts their mutual affection can only cease with their lives.'—*Ibid.*, 408. On the 8th July, he writes: 'The messenger who returned from Cuffnells, agreeable to order, called at Winchester, that Mr. Addington might hear of his son.'—*Ibid.*, 428.—See also Lord Colchester's Diary, i. 513.

[1] Pellew's Life of Lord Sidmouth, i. 335–340; ii. 107, 117, 140, 238, &c., &c.; Malmesbury Corr., iv. 36, 40, 42, 49, 91, 97, 102, 167, 297, &c., &c.; Rose's Corr., i. 292, 317, 329, 449; ii. [illegible] Lord [illegible]

[2] [illegible]

again to the loftier temper of Mr. Pitt: but he was persuaded to give up an impotent administration, in a time of public danger.[1]

The king's refusal to admit Mr. Fox.

Mr. Pitt urged the necessity of forming a strong government, by an union with Lord Grenville and Mr. Fox; but such was his Majesty's repugnance to the latter, that he absolutely refused to admit him into the cabinet.[2] So inveterate was his aversion to this statesman,—aggravated, at this period, by mental disorder,—that he afterwards declared 'that he had taken a positive determination not to admit Mr. Fox into his councils, *even at the hazard of a civil war*.'[3] Mr. Fox being proscribed, the opposition would listen to no propositions for an arrangement;[4] and Mr. Pitt was obliged to place himself at the head of an administration as weak as that which he had succeeded.

Lord Sidmouth's relations to the king and the ministers.

Meanwhile, Mr. Addington took up a position in the House of Commons, as leader of the 'king's friends,'—a party numbering sixty or seventy members.[5] He was still supposed to be in communication with the king,[6] and his supporters were sometimes ranged against the government.[7] He professed personal adherence to his sovereign to be the rule of his

[1] Twiss's Life of Eldon, i. 437, 450. See also *infra*, p. 203; Lord Stanhope's Life of Pitt, iv. 161, 165, 177, *Ibid.*, App. ix.—Lord Colchester's Diary, i. 506.

[2] Twiss's Life of Eldon, i. 446–450; Rose's Corr., ii. 118, 122.

[3] Rose's Corr., 156, 182. See also Lord Stanhope's Life of Pitt, iv. App. ix.; Lord Colchester's Diary, i. 529.

[4] *Ibid.*, 124–126; Court and Cabinets of Geo. III., iii. 352; Mem. of Fox, iv. 53.—Lord Colchester's Diary, i. 507.

[5] Rose's Corr., 119. [6] *Ibid.*, 141. [7] *Ibid.*, 153.

political conduct. Writing soon after his retirement from office, he says: 'I shall keep aloof from all parties, adhere to the king, and take a course that I can conscientiously justify to myself.'[1] His attitude was so formidable, that Mr. Pitt was soon obliged to admit him and his followers to a share of the government.[2] The king earnestly desired his union with Mr. Pitt, which the renewal of friendly intercourse between them easily brought about.[3] He accordingly joined the administration, as Viscount Sidmouth, and president of the Council; and induced his friends, who had been lately voting against the government, to lend it their parliamentary support. But being dissatisfied with the share of influence conceded to himself and his allies in the cabinet, he shortly afterwards threatened to resign.[4] And when, on the impeachment of Lord Melville, Mr. Hiley Addington and Mr. Bond, who had been promised places, spoke and voted against the government, differences arose between himself and Mr. Pitt, which led to his resignation.[5] In this anarchy of parties, the chief support of ministers was the influence of the crown.

Meanwhile, the only matter on which Mr. Pit[t] and the king were at variance, was not suffere[d]

[1] Pellew's Life of Lord Sidmouth, ii. 315; Lord Colchest[er's] Diary, i. 517.

[2] Court and Cabinets of Geo. III., iii. 388; Pellew's Life of [Lord] Sidmouth, ii. 323, 318.

[3] *Ibid.*, ii. 325-341; Lord Stanhope's Life of Pitt, iv. 236, [...] xix. xx.; Lord Colchester's Diary, i. 530, 532, 540.

[4] Rose's Corr., ii. 358, 360, 364.

[5] Rose's Corr., ii. 368-375; Lord Colchester's Diary, i. 54[9] ... i. 11, 13, 15, 19; Lord Stanhope's Life of Pitt, iv. 288, 313.

again to disturb their friendly relations. Mr. Pitt had renewed the assurance which he had given the king in 1801, that he would not revive the question of Catholic emancipation, during his Majesty's life. Not satisfied with this assurance, the king required an explicit declaration of his minister's determination to resist even the smallest alteration of the Test Act.[2] This latter pledge, indeed, Mr. Pitt declined to give:[3] but he was careful to avoid the forbidden ground, and was even obliged to oppose others who ventured to trespass upon it. The minister had surrendered his own judgment; and the king alone dictated the policy of Parliament.[4] Though Mr. Pitt recovered the king's confidence, his Majesty continued to form his own independent opinions, and to exercise a large influence in the government and patronage of the tate.[5] He watched the debates with undiminished interest: noted the length of speeches, and the numbers in divisions; and even observed upon the shortcomings of the government whips.[6]

Evasion of the Catholic Question by Mr. Pitt.

[1] Rose's Corr., 114, 157–174; Lord Stanhope's Life of Pitt, iv. App. vi.; Lord Colchester's *Diary*, ii. 211.

[2] Rose's Corr., 117; Lord Stanhope's Life of Pitt, iv, App. viii.

[3] Pellew's Life of Lord Sidmouth, ii. 464; Mr. Pitt's Letter to the King, May 6th, 1804; Lord Stanhope's Life of Pitt, iv. App. xi.

[4] Hans. Deb., v. 1013; see also Chap. XII.

[5] Rose's Corr., ii. 122, 124, 141, 158, 160. Mr. Pitt was anxious that his friend and biographer, Dr. Tomline, Bishop of Lincoln, should be promoted to the See of Canterbury; but the king insisted upon appointing Dr. Manners Sutton, Bishop of Norwich, notwithstanding all the solicitations of his minister.—*Rose's Corr.*, ii, 82, 91, &c.; Lord Stanhope's Life of Pitt, iv. 233, 252, and App. passim.

[6] Correspondence with Mr. Pitt. Lord Stanhope's Life, iv. App. *passim.* In November 1805, his Majesty's loss of sight compelled him to resort to the aid of Col. Herbert Taylor, as his secretary and

The death of Mr. Pitt, in the midst of defeats, and disasters to the European cause in which he was engaged, once more forced upon the king an administration, formed from a party in whom he had no confidence. It was necessary to accept the ministry of 'all the talents,' under Lord Grenville and Mr. Fox;[1] and personal intercourse went far to overcome the king's antipathy to the latter.[2] Lord Sidmouth had a strong body of parliamentary friends, who,—to use the words of his biographer,—'constituted a species of armed neutrality, far too powerful to be safely overlooked;' and was 'understood to enjoy the favour and confidence of the king, and to be faithfully devoted to his Majesty's interests.'[3] His alliance was necessary: and he was induced to join a party with whom he had neither connection, nor political sympathies. The king's friends were not to be neglected, and were amply provided for.[4] Lord Sidmouth himself, 'not wishing to excite jealousy by very frequent intercourse with the king,' declined the presidency of the Council, and accepted the less prominent office of privy seal.[5]

Grenville ministry, 1806.

As there was a difficulty in admitting Lord Sidmouth's political friends to the cabinet, Lord Ellenborough, the Lord Chief Justice of England, was associated with him, in

Admission of Lord Ellenborough to the cabinet.

amanuensis; but prior to that time, he had kept up a constant correspondence with successive ministers, in his own hand.

[1] Rose's Corr., ii. 238.

[2] Twiss's Life of Eldon, i. 510; Lord Holland, however, states 'The king watched the progress of Mr. Fox's disorder. He could hardly suppress his indecent exultation at his death.'—*Mem. of Whig Party*, ii. 49.

[3] Pellew's Life of Lord Sidmouth, ii. 412. [4] *Ibid.*, 424.

[5] *Ibid.*, 416; Mr. Abbot's Diary, 424. On the death of Mr Fox, he became President of the Council.

order to give weight to his councils.[1] It had been the policy of our laws to render the judges independent of the crown; [2] and now the first criminal judge became one of its confidential advisers. Ministers were strong enough to defend this appointment in Parliament, where the precedent of Lord Mansfield was much relied on: but it was severely censured in debate, and condemned by public opinion.[3]

Difference with the king on the administration of the army.

Before the new ministry was completed, the king was alarmed at a supposed invasion of his prerogative. On the 1st February, Lord Grenville proposed to his Majesty some changes in the administration of the army, by which the question was raised whether the army should be under the immediate control of the crown, through the commander-in-chief, or be subject to the supervision of ministers. The king at once said that the management of the army rested with the crown alone; and that he could not permit his ministers to interfere with it, beyond the levying of the troops, their pay and clothing. Lord Grenville was startled at such a doctrine, which he conceived to be entirely unconstitutional, and to which he would have refused to submit. For some time it was believed that the pending

[1] Wilberforce's Life, iii. 256. Lord Rous said: 'Lord Sidmouth, with Lord Ellenborough by his side, put him in mind of a faithful old steward with his mastiff, watching new servants, lest they should have some evil designs against the old family mansion.'—*Pellew's Life of Lord Sidmouth*, ii. 417.

[2] 13 Will. III. c. 32; 1 Geo. III. c. 23.

[3] Hans. Deb., vi. 308; Lord Campbell's Lives of Chief Justices, ii. 451; Lives of the Chancellors, vi. 584; Pellew's Life of Lord Sidmouth, ii. 417, Lord Colchester's Diary, ii. 42; and see Chap. XVIII.

ministerial arrangements would be broken off: but on the following day Lord Grenville presented a minute to his Majesty, stating that no changes in the management of the army should be effected without his Majesty's approbation.[1] To the doctrine thus amended, there could be no reasonable objection, and the king assented to it.

Differences with the king on the Army and Navy Service Bill, 1807

The Grenville ministry maintained its ground, so long as it was tolerated at court: but when it ventured to offend the king's religious scruples, it fell suddenly, like that of Mr. Pitt in 1801.[2] To conciliate the Catholics they proposed to remove some of the disqualifications of officers in the army and navy, being Roman Catholics and Dissenters: but in framing the measure, ministers either neglected to explain its provisions with sufficient distinctness to the king, or failed to make themselves understood. After the bill had been introduced, as they believed, with his 'reluctant assent,' his Majesty's distaste for it became inflamed into violent disapprobation. To propose such a measure, however just and politic, was a strange indiscretion. Knowing the king's repugnance to every concession to the Catholics, they might have profited by the experience of Mr. Pitt. The chancellor foresaw the danger they were incurring; and with Lord Ellenborough and Lord Sidmouth, protested against the measure. The friends of the government called it an act of suicide.[3]

[1] Ann. Reg., 1806, 26; Pellew's Life of Lord Sidmouth, ii. 416.
[2] See Chap. XII.
[3] Malmesbury's Corr., iv. 367, 379, 381–384; but see Lord Hol-

Activity of the king's friends.

The king's friends, and the opponents of the ministry, did not neglect this favourable opportunity of turning his Majesty's well-known religious scruples to account; but soon directed his personal influence against his ministers. On the 4th March, Lord Sidmouth 'apprised his Majesty of the nature and details of the measure;' said he should himself oppose it; and soon afterwards tendered his resignation to Lord Grenville.[1] On the 12th, the Duke of Portland wrote to the king, expressing his belief that the measure had not received his Majesty's consent, and that it could be defeated in the House of Lords. 'But for this purpose,' said his grace, 'I must fairly state to your Majesty, that your wishes must be distinctly known, and that your present ministers should not have any pretext for equivocating upon the subject, or any ground whatever to pretend ignorance of your Majesty's sentiments and determination, not only to withhold your sanction from the present measure, but to use all your influence in resisting it.'[2] Writing on the same day, his

land's Mem., ii. 173, 181, 185. 'It seems to me as if there was some fatality or judicial blindness affecting all we do.' Mr. C. Yorke to the Speaker.—*Lord Colchester's Diary*, ii. 101. Wilberforce said they had no excuse, for they had run upon a rock which was above water.—*Ibid.*, 109. Sheridan said 'he had often heard of people knocking out their brains against a wall, but never knew of anyone building a wall expressly for the purpose.'—*Moore's Life*, ii. 349. Lord Holland explains fully the difficulties of ministers in relation to the Catholics, and elaborately vindicates their conduct; but fails, I think, to show its prudence.—*Mem. of Whig Party*, ii. 160–215; see also Life and Opinions of Earl Grey, 138–164. Lord Palmerston's Journal. Bulwer's Life, i. 62–76.

[1] Lord Sidmouth's Life, ii. 459–462.—Lord Colchester's Diary, ii. 97.

[2] Malmesbury Corr., iv. 369.

grace said: 'His Majesty has signified his orders to my nephews, Lords George and James Thynne, to vote against it.'[1] On the following day a person came to Lord Malmesbury from the Queen's house, authorised to say, 'that his Majesty's wishes, sentiments, and intentions, respecting every measure which may lead to alter the legal restrictions the Catholics are liable to, are invariably the same as they always have been, and always will be so.'[2] The king himself also intimated to Lord Grenville, that 'he should certainly think it right to make it known that his sentiments were against the measure.'[3]

Withdrawal of the obnoxious bill.

Hence it appears that courtiers and intriguing statesmen were still as ready as they had been twenty-five years before, to influence the king against his ministers, and to use his name for the purpose of defeating measures in Parliament; while the king himself was not more scrupulous in committing himself to irregular interference with the freedom of parliamentary deliberations. On this occasion, however, opposition to the ministry in Parliament by the king's friends, was averted by the withdrawal of the measure. On announcing its abandonment to the king, ministers committed a second indiscretion,—far greater than the first. They reserved to themselves, by a minute of the cabinet, the right of openly avowing their sentiments, should the Catholic petition be presented, and of

Pledge required by the king, and removal of the ministers.

[1] Malmesbury Corr., iv. 371. [2] *Ibid.*, 373.
[3] Letter to Mr T. Grenville, 14th March, 1807; Court and Cabinets of Geo. III., iv. 135. See also Letter, 16th March.

submitting to his Majesty, from time to time, such measures as they might deem it advisable to propose.'[1] The king not only desired them to withdraw this part of the minute, but demanded from them a written declaration that they would never, under any circumstances, propose to him further concessions to the Catholics, or even offer him advice upon the subject.[2] To such a pledge it was impossible for constitutional ministers to submit. They were responsible for all public measures, and for the good government of the country; and yet, having abandoned a measure which they had already proposed, they were now called upon to fetter their future discretion, and to bind themselves irrevocably to a policy which they thought dangerous to the peace of Ireland. The king could scarcely have expected such submission. Ministers refused the pledge, in becoming terms; and the king proceeded to form a new administration under the Duke of Portland and Mr. Perceval. He had regarded this contest with his ministers as 'a struggle for his throne;' saying, 'he must be the Protestant king of a Protestant country, or no king.'[3] Such fears,

[1] Hans. Deb., 1st Ser., ix., 231–247, 261–279; Pellew's Life of Lord Sidmouth, ii. 463; Malmesbury Corr., iv. 380; Rose's Corr., ii. 321–327; Lord Holland's Mem., App. ii. 312, where the minute is printed at length; Lord Colchester's Diary, ii. 111–114; Life and Opinions of Earl Grey, 163. In reference to this minute Lord Palmerston wrote in his Journal, 'ministers insisted upon retaining both their places and their opinions.'—*Bulwer's Life*, i. 75.

[2] Hans. Deb., 1st Ser., ix. 243; Pellew's Life of Lord Sidmouth, ii. 464; Rose's Corr., ii. 328–331; Lord Holland's Mem. of the Whig Party, ii. 200–205. App. 316. Court and Cabinets of Geo. III., iv. 143; Wilberforce's Life, iii. 306; Lord Colchester's Diary, ii. 101–104, 108, 109.

[3] Twiss's Life of Eldon, ii. 34.

however, were idle in a monarch who could cast down ministers and sway Parliaments, at his pleasure. He had overcome the giant power of Mr. Pitt, and Lord Grenville was now at his feet.

Proceedings in the Commons on the change of ministry, 1807

The dismissal of ministers, and the constitutional dangers involved in such an exercise of prerogative, did not pass without animadversion in Parliament. They were discussed in both houses on the 26th March;[1] and on the 9th April, Mr. Brand moved a resolution in the Commons, 'that it is contrary to the first duties of the confidential servants of the crown to restrain themselves by any pledge, expressed or implied, from offering to the king any advice which the course of circumstances may render necessary for the welfare and security of the empire.' In support of this motion it was argued, that the king being irresponsible, if ministers should also claim to be absolved from responsibility, by reason of pledges exacted from them, there would be no security for the people against the evils of bad government. Had ministers agreed to such a pledge, they would have violated their oaths as privy-councillors, and the king would have become absolute. Nor did the conduct of secret advisers escape notice, who had counteracted the measures of the public and responsible advisers of the crown.[2] On the other side it was contended that the stipulation proposed by ministers, of being at liberty to support in debate a measure which they had withdrawn,—

[1] Hans. Deb., 1st Ser., ix. 231-279.
[2] Mr. Plunket, Hans. Deb., 1st Ser., ix. 312.

and of which the king disapproved,—was unconstitutional,—as tending to place the king in direct opposition to Parliament,—an evil which was ordinarily avoided by ministers refraining from supporting any measure to which the king might hereafter have to give his *veto*. The late ministers were even charged with not having, in the explanation of the causes of their retirement, arraigned their sovereign at the bar of Parliament.[1] Mr. Perceval denied that the king had conferred with any secret advisers until after the ministers were dismissed; and said that, in requiring the pledge, he had acted without any advice whatever. Ministers, he declared, had brought the pledge upon themselves, which would never have been suggested, had they not desired to impose conditions upon his Majesty.

Sir Samuel Romilly went so far as to maintain that if ministers had subscribed such a pledge, they would have been guilty of a high crime and misdemeanour.[2] With regard to Mr. Perceval's statement, that the king had acted without advice, Sir Samuel affirmed, that there could be no exercise of prerogative in which the king was without some adviser. He might seek the counsels of any man, however objectionable: but that man would be responsible for the advice given, and for the acts of the crown. There was no constitutional doctrine more important than this, for the protection of the crown. 'History had unfolded the evils of a contrary principle

[1] General Craufurd, Hans. Deb., 1st Ser., ix. 299; Mr. Perceval, *ibid.*, 316; Mr. Bathurst, *ibid.*, 331; Mr. Canning, *ibid.*, 342.
[2] *Ibid.*, ix. 327.

having prevailed.' It was also well observed by Mr. Whitbread, that the avowal of ministers that the king had acted without advice, amounted to a declaration on their part, that they disowned the responsibility of the act complained of, and left his Majesty to bear the blame of it himself, without that protection which the constitution had provided: but that from this responsibility they could not escape; for by accepting office, they had assumed the responsibility which they had shown so much anxiety to avoid.

But Lord Howick denied that the king had acted without advice, and asserted that there had been secret advisers, who had taken pains to poison the royal mind.[1] On the Saturday before the pledge had been required, Lord Eldon had an audience; and both Lord Eldon and Lord Hawkesbury were consulted by the king, before measures were taken for forming a new administration. They were, therefore, the king's responsible advisers. In answer to these allegations, Mr. Canning stated that Lord Eldon's visit to Windsor had taken place on Saturday se'nnight, preceding the change of ministry; that it had reference to a matter of extreme delicacy, unconnected with these events, and that before he went, Lord Eldon had explained to Lord Grenville the object of his visit, and promised to mention no other subject to his Majesty.[2] He added, that the Duke of Portland, Mr. Perceval,

[1] Hans. Deb., 1st Ser., ix. 339.
[2] Lord Eldon himself expressly denied having had any communication with the king on the Catholic Question or the Ministers.—*Twiss's Life*, ii. 36-38.

and himself, had endeavoured to prevent the separation between the late ministers and the king, by amicable explanations. Mr. Canning concluded by saying, that the ministers were 'determined to stand by their sovereign, even though circumstances should occur in which they may find it their duty to appeal to the country.'[1] In answer to this threat, Lord Henry Petty said that a great constitutional wrong had been done, and that no such intimidation would induce the House to refrain from expressing their sense of it. During the division, Lord Howick addressed the members in the lobby, and said that, being nearly certain of a majority,[2] they must follow up their success with 'an address to the throne, to meet the threat which had been thrown out that evening,—a threat unexampled in the annals of Parliament.'[3] But the king and his adherents were too strong for the opposition, whose friends, already looking to the court, left them in a minority of thirty-two.[4]

On the 13th April, a discussion was raised in the House of Lords upon a motion to the same effect, proposed by the Marquess

Proceedings in the Lords.

[1] Hans. Deb., 1st Ser., ix. 346. According to Sir S. Romilly, Mr. Canning said 'he had made up his mind, when the Catholic Bill was first mentioned, to vote for it if the king was for it, and against it if the king was against it. Every art was used to interest persons for the king; his age was repeatedly mentioned, his pious scruples, his regard for his coronation oath, which some members did not scruple to say would have been violated if the bill had passed.'—*Romilly's Life*, ii. 194.

[2] A majority of twenty was expected.—*Romilly's Life*, ii. 195.

[3] Hans. Deb., 1st Ser., ix. 348. It was intended to follow up this motion, if carried, by resolutions expressing want of confidence in the ministers.—*Romilly's Life*, ii. 194; Lord Colchester's Diary, ii. 119.

[4] Ayes, 258; Noes, 226.

of Stafford. The most remarkable speech was that of Lord Erskine, who had already expressed his opinions on the subject, to the king himself.[1] Not being himself, on account of religious scruples, favourable to the Catholic claims, he yet ridiculed the argument that the king had been restrained by his coronation oath, from assenting to the late measure. He had assented to the Act of 1793, which admitted Catholic majors and colonels to the army, without perjury:—how then could his oath be violated by the admission of staff-officers? On the question of the pledge he asked, 'Is it consistent with the laws and customs of the realm that the king shall make a rule for his own conduct, which his councillors shall not break in upon, to disturb with their advice?' If it were, 'the king, instead of submitting to be advised by his councillors, might give the rule himself as to what he will be advised in, until those who are solemnly sworn to give full and impartial counsel, and who are responsible to the public for their conduct as his advisers, might be penned up in a corner of their duties and jurisdiction, and the state might go to ruin.' Again, as to the personal responsibility of the king, he laid it down that 'the king can perform no act of government himself, and no man ought to be received within the walls of this House, to declare that any act of government has proceeded from the private will and determination, or conscience of the king. The king, as chief magistrate,

[1] Romilly's Life, ii. 188.

can have no conscience which is not in the trust of responsible subjects. When he delivers the seals of office to his officers of state, his conscience, as it regards the state, accompanies them.' 'No act of state or government can, therefore, be the king's: he cannot act but by advice; and he who holds office sanctions what is done, from whatever source it may proceed.'

By Lord Harrowby the motion was represented as placing the House in the situation 'of sitting in judgment upon the personal conduct of their sovereign.' But perhaps the best position for the crown was that assumed by Lord Selkirk. The king, he said, could not be accountable to Parliament for his conduct in changing his advisers; and the proposed pledge was merely a motive for such a change, beyond the reach of parliamentary investigation. Another view was that of Lord Sidmouth. Admitting that for every act of the executive government there must be a responsible adviser, he 'contended that there were many functions of the sovereign which, though strictly legitimate, not only might, but must be performed without any such responsibility being attached to them, and which must, therefore, be considered as the personal acts of the king. Of these the constitution does not take cognisance.'[2] It was the object of this ingenious argument to absolve from responsibility both the king, who could do no wrong, and his present advisers, who, by accepting office, had become responsible for

[1] Hans. Deb., 1st Ser., ix. 355–365. [2] *Ibid.*, 399.

the measures by which their predecessors had been removed. This unconstitutional position was well exposed by the Earl of Lauderdale, who felicitously cited the example of Lord Danby, in support of the principle that the king can have no separate responsibility. Lord Danby, having been impeached for offences committed as a minister, had produced in his defence, a written authority from the king himself, but was yet held responsible for the execution of the king's commands: nay, the House of Commons voted his plea an aggravation of his offences, as exposing the king to public odium.[1] The same argument was ably enforced by Lord Holland. That for every act of the crown some adviser must be responsible,—could not, indeed, be denied: but the artifice of putting forth the king personally, and representing him as on his trial at the bar,—this repeated use of the king's name, was a tower of strength to the ministerial party.[2] Lord Stafford's motion was superseded by the adjournment of the House, which was carried by a majority of eighty-one.[3]

The question, however, was not yet suffered to rest. On the 15th April, Mr. W. H. Lyttleton renewed the discussion, in proposing a resolution expressing regret at the late changes in his Majesty's councils. The debate added little to the arguments on either side, and was

Mr Lyttleton's motion, 15th April, 1807

[1] Hans. Deb., 1st Ser., ix. 405, 414.
[2] Romilly's Life, ii. 197.
[3] Contents, 171; Non-contents, 90. Hans. Deb. 1st Ser., ix. 422.

brought to a close by the House resolving to pass to the orders of the day.[1]

Impolicy of the cabinet minute.

As a question of policy, it had obviously been a false step, on the part of the ministers, to give expression to their reservations, in the minute of the cabinet. They had agreed to abandon the bill which had caused the difference between themselves and his Majesty; and, by virtue of their office, as the king's ministers, were free, on any future occasion, to offer such advice as they might think proper. By their ill-advised minute, they invited the retaliation of this obnoxious pledge. But no constitutional writer would now be found to defend the pledge itself, or to maintain that the ministers who accepted office in consequence of the refusal of that pledge, had not taken upon themselves the same responsibility as if they had advised it.

The dissolution, April 1807.

Meanwhile, though this was the first session of a new Parliament, a speedy dissolution was determined upon. Advantage was taken of the prevalent anti-Catholic feeling which it was feared might subside: but the main issue raised by this appeal to the country was the propriety of the recent exercise of prerogative. In the Lords Commissioners' speech, on the 27th April, the king said he was 'anxious to recur to the sense of his people, while the events which have recently taken place are yet fresh in their recollection.' And he distinctly invited their opinion upon them, by declaring that 'he at once demonstrates, in the most unequivocal

[1] Ayes, 244; Noes, 198. Hans. Deb., 1st Ser., ix. 432–475.

manner, his own conscientious persuasion of the rectitude of those motives upon which he has acted, and affords to his people the best opportunity of testifying their determination to support him in every exercise of the prerogatives of his crown, which is conformable to the sacred obligations under which they are held, and conducive to the welfare of his kingdom, and to the security of the constitution.' The recent exercise of prerogative was thus associated with the obligations of his coronation oath, so as to unite, in favour of the new ministers, the loyalty of the people, their personal attachment to the sovereign, and their zeal for the Protestant establishment. Without such appeals to the loyalty and religious feelings of the people, the influence of the crown was alone sufficient to command a majority for ministers; and their success was complete.

Meeting of Parliament. Amendments to address, 26th June, 1807

On the meeting of the new Parliament, amendments to the address were proposed in both Houses, condemning the dissolution, as founded upon 'groundless and injurious pretences;' but were rejected by large majorities.[1]

The three years prior to the regency.

The king's will had prevailed, and was not again to be called in question. His own power, confided to the Tory ministers henceforth admitted to his councils, was supreme. Though there was still a party of the king's friends,[2] his Majesty agreed too well with his ministers, in

[1] In the Lords by a majority of 93, and in the Commons by a majority of 195.—*Hans. Deb.*, 1st Ser., ix. 557–658.
[2] Pellew's Life of Lord Sidmouth, ii. 469, Romilly's Life, ii. 220.

principles and policy, to require the aid of irresponsible advisers. But this rule, once more absolute, —after the struggles of fifty years,—was drawing to a close. The will, that had been so strong and unbending, succumbed to disease; and a reign in which the king had been so resolute to govern, ended in a royal 'phantom,' and a regency.[1]

[1] See *infra*, p. 207.

CHAPTER II.

INFLUENCE OF THE CROWN DURING THE REGENCY, THE REIGNS OF GEORGE IV., WILLIAM IV, AND HER MAJESTY, QUEEN VICTORIA.

The Prince Regent differed too much, in character and habits, from his royal father, to be inclined to exercise the influence of the crown, with the same activity. George III., eager for power, had also delighted in business, to which he had trained himself from early youth.[1] With greater abilities, and superior education, the prince was fond of ease and pleasure, and averse to business. His was not the temperament to seek the labour and anxieties of public affairs: nor had power devolved upon him, until the ambitious spirit of youth had ceased to prompt him to exertion. He loved the 'pomp and circumstance' of royalty, without its cares. But though disinclined to the daily toils which his father had undergone for fifty years,—and disposed, by indolence and indifference, to leave more discretion to his ministers, in the ordinary affairs of state: yet whenever his own feelings or interests were concerned, his father himself had scarcely been more imperative.

Character of the Prince Regent

[1] See debate, 14th April, 1812, on Col. M'Mahon's appointment as Private Secretary to the Prince Regent.—*Hans Deb.*, 1st Ser, xxii. 332.

The very qualities, however, which disinclined the prince to laborious activity, exposed him the more readily to the influence of his court. His father's will was strong, and full of energy: his own, inconstant and capricious. The father had judged for himself, with rude vigour and decision: the son,—impulsive, indolent, and without strength of principle or conviction,—was swayed by the advice of those nearest to his person.

Influence of his court.

The early events of the regency displayed at once the preponderating influence of the crown, over all other powers of the state, and the subjection of the regent to the counsels of the court.

To politics, apart from their relations to himself, the prince was indifferent; and his indifference led to the same results, as the king's strong predilections. He readily gave up the opinions, as well as the political friends of his youth. As to his friends, indeed, he had been separated from them for many years, by the French Revolution:[1] the death of Mr. Fox had more recently loosened the tie which had bound them together: the part taken by them against the Duke of York, had further relaxed it; and the proud bearing of the great Whig leaders,—little congenial to the lighter manners of the court,—had nearly broken it asunder. But lately they had exerted

His separation from his political friends.

[1] Mr. Erskine, writing to Mr. Lee, 8th Feb. 1793, said: 'We are now plunging. for nothing, or rather for mischief, into a calamitous war, in combination (*not avowed*) with the despots of the North, to restore monarchy in France. And as it is the cause of kings, our prince is drawn into it, and has taken his leave of all of us.'—*Rockingham Memoirs*, ii. 127.

themselves strenuously against the restrictions upon the powers of the regent, which the Government, following the precedent of 1788, had proposed; and their general views of policy were supposed to coincide with his own.

Other circumstances pointed strongly to their being now called to office. The Perceval administration, which had owed its origin to the king's dread of the Roman Catholic claims, was weak and disunited; and while the leading statesmen of all other parties were favourable to the Roman Catholic cause, the sole merit of this ministry lay in their opposition to it. Mr. Perceval himself had been personally obnoxious to the prince, as the friend and adviser of his detested princess, Caroline of Brunswick: nor had the chancellor, Lord Eldon, been free from the same offence. The regent had also suspected the latter of keeping him at a distance from his father, and told his lordship afterwards 'that there was no person in the whole world that he hated so much, as for years he had hated him.'[1]

Mr Perceval's administration.

The prince had further raised the expectations of the opposition, by confiding to Lord Grenville and Lord Grey the drawing up of his answer to the joint resolutions of the two Houses on the conditions of the regency; and he, as suddenly, repressed these expectations by rejecting their draft for another,—the composition of himself and Mr. Sheridan. This proceeding, so contrary to the views of these noblemen, as respon-

The prince neglects the advice of Lords Grenville and Grey

[1] Twiss's Life of Eldon, ii. 197, 198.

sible advisers, drew from them a remonstrance, which, however constitutional in doctrine, was too lofty in its tone, and partook too much of the character of a lecture, to be altogether acceptable to the prince.[1]

Hope of the opposition.

While the Regency Bill was passing through Parliament, the prince had frequent communications with the opposition. The plan of a new administration was concerted, and several of the principal places were allotted to the Whig leaders. So assured were they of their speedy accession to power, that, jealous of the influence of Lord Moira and Mr. Sheridan, they were already insisting that the prince should engage to consult none but his future ministers.[2] Nor were ministers less persuaded of the impending change.[3] The king himself, in his lucid intervals, was informed of it by his chancellor; and was prepared to restore his old servants when he recovered.[4] But before the Regency Bill had received the royal assent, the queen addressed a letter to the prince, suggesting the serious consequences which a change of ministry might have upon the king's recovery. The prince accordingly acquainted Lord Grenville that the state of his Majesty's health prevented the removal of ministers: but that his

Their disappointment.

[1] Moore's Life of Sheridan, ii. 383, *et seq.*; Court and Cabinets of the Regency, i. 21, *et seq.*—Lord Colchester's Diary, ii. 307; Life and Opinions of Earl Grey, 266, 431.

[2] Rose Corr., ii 471–475; Life and Opinions of Earl Grey, 270.

[3] Twiss's Life of Lord Eldon, ii. 197.

[4] *Ibid.*, 477; Lord Colchester's Diary, i. 315.

confidence was entirely with his lordship, Lord Grey, and his other friends.[1]

When the restrictions upon the prince's power, as regent, were about to expire, and the king's recovery had become more improbable, it was still believed that he would, at length, form a new administration consisting of the opposition leaders. He contented himself, however, with proposing, through the Duke of York, that 'some of those persons with whom the early habits of his public life were formed,' should agree to strengthen Mr. Perceval's administration,—a proposal which they could scarcely have been expected to accept.[2] In suggesting this arrangement, he truly avowed that he had 'no predilections to indulge;' having now become as indifferent to the principles, as to the persons, of the Whig leaders.

His proposal that they should join Mr Perceval.

Restrained for a time, by the possibility of the king's recovery,[3] from making any changes, he had easily become satisfied with existing arrangements,—his contentment being increased by a liberal civil list. This result was imputed to secret counsels,—to the persuasion of the queen, the Hertford family, and the court. Parlia-

His estrangement from the Whig leaders.

ment and the press resounded with denunciations of these covert influences.[1] But the events of this period had a deeper import than the intrigues of a court, and the disappointments of a party. They marked the paramount influence of the crown in the government of the country. Here were the two great parties in the state looking to royal favour alone, as the source of their power. It was never doubted by ministers, that, if they retained the confidence of the prince regent, they would be able to command the support of Parliament. It was never doubted by the opposition, that, if invited to accept office, they would be able to maintain their position as firmly as those ministers whom they were seeking to displace. Both parties were assured, that the support of Parliament would follow the confidence of the crown. The Whigs had relied upon the personal friendship of the prince regent: but ministers, having supplanted their rivals in court favour, continued to govern the country with the acquiescence of an obsequious Parliament. There was no appeal, on either side, to political principles or policy, or to public service: but all alike looked upwards to the court. The Tory party happened to prevail; and the

Paramount influence of the crown.

[1] Debate on Lord Boringdon's motion, 19th March 1812. Lord Darnley, Earl Grey, &c.—*Hans. Deb.*, xxii. 61, 80. Lord Donoughmore, April 21st, 1812.—*Ibid.* 525. Mr. Lyttelton, May 4th, 1812, said: "It was notorious that the regent was surrounded with favourites, and, as it were, hemmed in with minions."—*Ibid.* 1158. Moore's Life of Sheridan, ii. 394, 407; Romilly's Life, ii. 370; Wilberforce's Life, iii. 434; Court and Cabinets of the Regency, i. 23, *et seq.*, 71, 163, 177, 241, 246; Twiss's Life of Eldon, ii. 193.—Plumer Ward's Mem., i. 470; Lord Colchester's Diary, ii. 377.

government of the state was, therefore, conducted on Tory principles. If the Whig party had been placed in power, without any change in public opinion, Whig principles would have been in the ascendant.

Negotiations on the death of Mr Perceval, 1812

The assassination of Mr. Perceval made an unexpected opening for a new ministry: but the court appears to have been resolved that no considerable change should follow. Overtures were made to Lord Wellesley and Mr. Canning, to strengthen a government to whose policy they were opposed: but—as had doubtless been expected—they refused such conditions.[1] The old government would have been at once revived, had not the Commons addressed the regent, on the motion of Mr. Stuart Wortley, to take measures 'to form a strong and efficient administration.'[2] Lord Wellesley was now commissioned to form a ministry: but none of the existing ministers would listen to his overtures; and the opposition declined to accept uch a share of the cabinet as was offered to them; nd thus his lordship's mission failed, as the court ad, probably, intended.[3]

Lord Moira's mission.

At length Lord Moira—the intimate friend of the nce, and the unconscious tool of the rt—was charged to consult with Lord y and Lord Grenville, on the formation of an

wiss's Life of Eldon, ii. 209–213, Court and Cabinets of the cy, i 305
ns Deb, 1st Ser, xxiii 231, 286
rt and Cabinets of the Regency, i 353, Stapleton's Life of 200, Moore's Life of Sheridan, ii 241, Lord Colchester's 382–384.

administration. He stated that he had received this commission without any restrictions upon the consideration of such points as they judged useful for his service. Nothing could exceed the apparent fairness of this proposal; but, as Lords Grey and Grenville had received information that no changes would be permitted in the royal house-

The royal household.

hold,[1] they inquired whether they should be at liberty to consider appointments to those great offices in the household, which were usually included in political arrangements, on a change of ministry. Lord Moira, having obtained the prince's consent to part with the officers of the household, if he should advise it, had assured his royal highness, before he undertook this mission, 'that he should not part with one of them.' In execution of his promise, he now said that it would be impossible for him to concur in the necessity of changing the household on the formation of a new ministry; and upon thi[s] issue the negotiations were broken off. As the view[s] of Lord Moira on the one side, and of the Whigs o[n] the other, had been well known before Lord Moi[ra] received his commission,[2] this proposal would see[m] to have been as illusory as those which had prece[ded] it. But there was yet another artifice practi[sed] upon the opposition leaders. Though Lord M[oira] had determined not to agree to any alteratio[n in] the household, Lord Hertford, Lord Yarmouth [and] other officers had resolved to resign their offi[ces]

[1] Mr. T. Grenville to Marquess of Buckingham, 30th Ap[ril] —*Court and Cabinets of the Regency*, i. 335. From same June 1st.—*Ibid.*, 336.

[2] Mr. T. Grenville to the Marquess of Buckingham. *Ibi[d.]*

court, should the opposition undertake to form a government. But this important information was prevented, by court intrigues, from reaching the noble lords who were conducting the negotiations.[1] They insisted upon the change in order to give 'to a new government that character of efficiency and stability, and those marks of the constitutional support of the crown, which were required to enable it to act usefully for the public service.' Lord Moira rested his resistance to a claim,—which, according to custom, could hardly have been opposed in any *bonâ fide* consultations,—on the ground that changes in the household would give countenance to the imputations which had been thrown upon the court. It need hardly be said that his conduct produced the very result which he had professed his anxiety to avert.

The regent's animosity against the Whigs.

The leaders of the opposition were persuaded of the hollowness of all the proposals which had been made to them; and, knowing the hostility of the court, were as unwilling as their opponents that these overtures should lead to any result. Had they been less lofty and unbending, they might perhaps have overcome the obstacles which they dreaded. The regent had not the stubborn will of his royal father, and might have been won over to their side again, if they had once established themselves at court. So thought many of their disappointed followers: but the great lords

[1] Debates in Lords and Commons, 8th and 11th June, 1812; Hans. Deb., 1st Ser., xxiii. 356, 397, 594, 606, and Appendix of ...; Moore's Life of Sheridan, ii. 425; Twiss's Life of Eldon, ...0; Life and Opinions of Earl Grey, 296.

judged otherwise, and proudly shrank from the ungracious task of combating the disfavour of the prince, and the intrigues of his courtiers.[1] The prince, indeed, had now become so violent against the opposition, that we are reminded of George III. in the days of the coalition. 'He told Lord Wellesley that he had no objection to one or two of them individually, but as a body he would rather abdicate the regency than ever come into contact with them.'[2] And again, after the failure of Lord Moira's mission—'three times that day, before dinner and after dinner, he declared that if Lord Grey had been forced upon him, he should have abdicated.'[3]

Reconstitution of the ministry under Lord Liverpool.

These negotiations, meanwhile, had served their purpose. The old administration was immediately reconstituted, under the Earl of Liverpool; and when complaints were made in the House of Commons, that a strong administration had not been formed, in compliance with their address, the blame was thrown upon the impracticable leaders of the opposition. Ministers were now safe, and gained an easy triumph over Mr. Stuart Wortley and Lord Milton, who endeavoured to unsettle the government, by further representations to the regent.[4]

[1] Debates in House of Lords, 3rd, 5th, and 8th June, 1812; Hans, Deb., 1st Ser. xxiii. 332–356, and App. xli.; Twiss's Life of Eldon, ii. 216, 217; Romilly's Life, iii. 42; Horner's Mem., ii. 111, 311; Lord Grenville to the Marquess of Buckingham, June 6th and 9th, 1812; Court and Cabinets of the Regency, i. 353, 377; Mr. T. Grenville.—*Ibid.*, 354; Life and Opinions of Earl Grey, 300–308.

[2] Court and Cabinets of the Regency, i. 323.

[3] Moore's Mem. by Lord John Russell, i. 360.

[4] June 11th, Hans. Deb., 1st Ser., xxiii. 397.

Henceforth the ascendency of Tory politics, which George III. had established, and which the regent had been expected to overthrow, was maintained more firmly than ever. By the influence of the crown it had been created, by the same influence it was upheld during the regency, and throughout the reign of George IV. All opposition being thus defeated, and the court party being agreed, the prince regent had no further need of personal interposition in the government of the country.

Ascendency of Tory politics

On his accession to the throne, he was dissatisfied with ministers, for resisting his demands for a larger civil list: but submitted to their judgment, and even, in his speech to Parliament, disclaimed any wish for an increased revenue.[1] Soon afterwards his painful relations with the queen led to proceedings of which his ministers could not approve: but in which,—with the honourable xception of Mr. Canning,[2]—they were induced support him. The king's personal feelings and nour were concerned; and the embarrassing conct of the queen herself, led them to accept the ponsibility of measures to which the king already d committed. No sooner had he succeeded to throne than he desired to obtain a divorce; but ministers, at that time, resisted his wishes, and uned their objections, in some able minutes of

Proceedings against the Queen, 1820

Twiss's Life of Eldon, ii 363. Com Journ., lxxv 110.
tapleton's Life of Canning, 290–295, 315–323.
I.

the cabinet.[1] He obtained from them, however, an assurance that, if her Majesty should return to England, they would no longer oppose him in his cherished object.[2] They were little prepared for so embarrassing an event: but it was soon to be brought about by the offensive measures which the king had taken, and his ministers had sanctioned, against her.

The queen had already been irritated by two great insults. Our ambassadors, acting upon their instructions from home, had prevented her recognition as queen of England at foreign courts; and her name had been omitted, by command of the king, from the liturgy of the church. Even the legality of this latter act was much doubted.[3] It was at least so disputable as to be an unwise exercise of the prerogative.[4] Such insults as these, naturally provoked the queen to insist upon her proper recognition. At the same time they aroused popular sympathy in her cause, which encouraged her to proceed to extremities. The ministers vainly attempted a compromise: but it was too late. The queen was already on her way to England, loudly asserting her rights. They endeavoured to prevent her approach, by submitting a proposal that she

[1] 10th and 14th February, 1820; Stapleton's Life of Canning, 266, 279, 299; Lord Colchester's Diary, iii. 115.

[2] Twiss's Life of Eldon, ii. 368.

[3] Debates in Lords and Commons, 1820, on the papers relating to the conduct of the queen. Dr. Phillimore, writing to the Marquess of Buckingham, 16th Jan. 1821, said: 'The general opinion of lawyers is, I think, unfavourable to the claim.'—*Court and Cabinets of George IV.*, i. 109.

[4] Mr. C. Wynn to the Marquess of Buckingham.—*Ibid.*, 116.

should receive an annuity of 50,000*l.* a year, on renouncing her title, and continuing to reside abroad; and threatening proceedings against her in Parliament, if she refused these conditions. She refused them, and hastened to England,—when preliminary proceedings were at once commenced. Even now there was still hope of a compromise, sought by the queen herself. The king was willing to drop all further proceedings against her, and to recognise her title, on condition of her residing abroad; but the queen demanded the restoration of her name in the liturgy, and her recognition in at least one foreign court,—which the king refused to concede.[1]

Conduct of ministers

And now the threat was carried out to the fullest extent, by the introduction of a bill into the House of Lords, to deprive her Majesty of her title, prerogatives, and rights, and to dissolve her marriage with the king. Ministers were fully sensible of the difficulties, and even of the danger, of yielding to the king's desire to prosecute this formidable measure. Lord Eldon, writing in June, 1820, said, 'I think no administration, who have any regard for him, will go the length he wishes, as an dministration,—and if they will, they cannot take arliament along with them: that body is afraid of isclosures,—not on one side only,—which may affect e monarchy itself.'[2] But on the failure of all eir attempts to effect an accommodation of the

[1] Debates, 19th June, 1820, when the failure of these negotiations nnounced; Stapleton's Life of Canning, 285–287.
[2] Twiss's Life of Eldon, ii 372

royal differences, they yielded,—against their better judgment,—to the revengeful spirit of the king.

The disgraceful incidents of the 'queen's trial' are too well known to need repetition, even if they ought otherwise to find a place in this history. But what were the constitutional aspects of the case? The king had resolved to execute an act of vengeance rather than of justice against the queen,—whose wrongs had aroused for her protection, the strongest popular feelings,—sympathy with a woman, and resentment of oppression. All the power of the crown was arrayed on one side, and the excited passions of the people on the other. The impending conflict was viewed with alarm by statesmen of all parties. Many sagacious observers dreaded a civil war. Ministers foresaw the dangers to which the country was exposed: they disapproved of proceedings which, without their acquiescence, could not have been attempted;—yet they lent themselves to gratify the anger and hatred of the king. They were saved from the consummation of their worst fears by the withdrawal of the Bill of pains and penalties, at its last stage in the House of Lords: but in proceeding so far, in opposition to their own judgment, they had sinned against their constitutional obligations, as responsible ministers. By consenting to act as instruments of the king's pleasure, they brought him into dangerous collision with his people. Had they refused to permit, what they could not justify to Parliament or the country, they would have spared the king his humiliation, and the state its perils.

Not to have supported the king in a cause affecting his deepest feelings and his honour, might have exposed them to the reproach of deserting their royal master in his utmost need, and even of siding with his hated consort:[1] but a higher sense of their responsibilities, and greater firmness in asserting them, would have made them mediators between the king, on the one side, and the queen, the Parliament, and the people, on the other.[2]

The king's animosity against the opposition

The opposition had espoused the queen's cause,—some to protect her from oppression,—some to lead a popular cause against the ministers,—and others, like Cobbett, to gratify their bitter hatred of the government. The king's resentment against those who had opposed him in Parliament, equalled that of his father against Mr. Fox. Mr. Fremantle, writing on the 29th December, 1820, to the Marquess of Buckingham, said: 'His invective against Lord Grey was stronger and more violent than I can possibly repeat;' and again: 'what I am most anxious to observe to you, was his increased hostility and indignation

[1] Lord Brougham has attributed their conduct solely to an unworthy desire to retain their places (*Works*, iv. 33), but perhaps the suggestion in the text is nearer the truth

[2] Mr Canning wrote to Mr Huskisson, Oct 2, 1820, that the ministers ought to have held this language to the king: '"Sir,—divorce is impossible!" "What! if she comes, if she braves, if she insults?" "Yes, sir, in any case, divorce is impossible. Other things may be tried, other expedients may be resorted to, but divorce, we tell you again, is impossible It can never be;" . . . and see the fruits' (of their conduct),—'a government brought into contempt and detestation, a kingdom thrown into such ferment and convulsion, as no other kingdom or government ever recovered from without a revolution, but I hope we shall'—*Stapleton's Life of Canning*, 299.

against the opposition, and more personally against Lord Grey.'[1] Yet the same acute observer, who knew the king well, writing again on the 24th January 1821, said: 'Lord Grenville fancies a Whig government could not last six months, reasoning from the conduct of George III.: but in this I am persuaded he would find himself deceived, for the same decision and steadiness of mind does not belong to his successor. And should the change once take place, new attachments and habits would prevail, and obliterate all former anger.'[2]

Popularity of Geo. IV.

Meanwhile, the popularity of the king, which had suffered for a time from these proceedings, was speedily recovered. The monarchy had sustained no permanent injury: its influence was not in the least impaired. The personal character of the king was not such as to command the respect or attachment of the people: yet at no previous period had their loyalty been more devoted—never, perhaps, had the adulation of royalty been so extravagant and servile. There were discontent and turbulence among some classes of the people: but the crown and its ministers continued to rule supreme over Parliament, the press, the society and the public opinion of the country.

Motion of Mr. Brougham on the influence of the crown, June 24, 1822.

Though the influence of the crown was acknowledged as fully as in the late reign, it had not been brought under Parliamentary discussion for many years; when, in 1822, Mr. Brougham introduced a motion on the

1 Court and Cabinets of George IV., i. 99. 2 *Ibid.*, 112.

subject. He proposed to declare that the influence of the crown was 'unnecessary for maintaining its constitutional prerogatives, destructive of the independence of Parliament, and inconsistent with the well-governing of the realm.' By comparing the present expenditure with that of 1780,—the number of places and commissions, the cost of collecting the revenue, and the host of persons looking up to government for patronage,—he pronounced the influence of the crown to have been greatly increased since Mr. Dunning's celebrated resolution. He admitted, however, that the number of placemen in the House had been diminished. In the time of Lord Carteret there had been two hundred, and at an antecedent period even three hundred: in 1780 there had been between eighty and ninety; and in 1822, eighty-seven,—many of whom, however, could not be said to be dependent on the crown. He drew an entertaining historical sketch of the manner in which every party, in turn, so long as it held office, had enjoyed the confidence of the House of Commons, but had lost that confidence immediately it was in opposition,—a coincidence to be attributed to the ascendency of the crown, which alone enabled any ministry to command a majority. Lord Londonderry, in a judicious speech, pointed out that the authority of the crown had been controlled by the increasing freedom of the press, and by other causes; and after a debate of some interest, Mr. Brougham's motion was negatived by a large majority. It was

[1] Ayes 216, Noes 101.—*Hans. Deb.*, 2nd Ser., vii. 1266.

not by paring down prerogative and patronage, but by enlarging the liberties of the people, that the influence of the crown was destined to be controlled.

The king's views on the Catholic question.

Early in his reign, the king was supposed to be in favour of a measure for the relief of the Roman Catholics; and its friends were even speculating upon his encouragement to carry it through Parliament.[1] But in 1824, he had become 'violently anti-Catholic;' and so paramount was his influence supposed to be over the deliberations of Parliament, that the friends of the cause believed it to be hopeless.[2] Until the death of Lord Liverpool, the Catholic claims having small hope of success, the king was content to make known his opinions in conversation, and through common reports.[3] But when Mr. Canning, the brilliant champion of the Roman Catholics, had become first minister, his Majesty thought it necessary to declare his sentiments, in a more authentic shape. And accordingly he sent for the Archbishop of Canterbury, and the Bishop of London, and 'directed them to make known to their clergy that his sentiments on the coronation oath, and on the Catholic question, were those his revered father, George III., and lamented brother, the Duke of York, had maintained during their lives, and

[1] 'I hear he is for it,' said the Duke of Wellington to Mr. Fremantle. 'By the by,' he added, 'I hear Lady Conyngham supports it, which is a great thing.'—*Court and Cabinets of George IV.*, i. 148; *ib.* 218.

[2] *Ibid.* ii. 103, 169, 211.

[3] Lord Colchester's Diary, iii. 394.

which he himself had professed when Prince of Wales, and which nothing could shake, finally, assuring them that the recent ministerial arrangements were the result of circumstances, to his Majesty equally unforeseen and unpleasant.'[1] And when political necessity had wrung from Sir Robert Peel and the Duke of Wellington, a conviction that a measure of relief could no longer be withheld, it was with extreme difficulty that they obtained his assent to its introduction.[2] After he had given his consent, he retracted, and again yielded it:—attempted to deny, or explain it away to his anti-Catholic advisers:—complained of his ministers, and claimed the pity of his friends. 'If I do give my assent,' said he, 'I'll go to the baths abroad, and from thence to Hanover: I'll return no more to England. . . I'll return no more: let them get a Catholic king in Clarence.' Such had once been the threat of the stout old king, who, whatever his faults, at least had firmness and strength of will. But the king who now uttered these feeble lamentations, found solace in his trouble, by throwing his arms round the neck of the aged Eldon.[3] And again, in imitation of his father,—having assented

[1] Speech of the Bishop of London at a dinner of the clergy of his diocese, 8th May, 1827, Court and Cabinets of George IV., ii. 324, Gentleman's Magazine, xcvii 457, Lord Colchester's Diary, iii 486; *Ibid* iii. 496 On the 21st May, in reply to a question of Lord Harewood, the Bishop of London stated in his place, that the newspaper account of his speech to the clergy was correct, and thus the King's name was introduced into debate, and his opinions stated in Parliament. *Ibid*, iii. 508.

[2] Peel's Mem, i. 274, &c.; and see Chap. XIII

[3] Twiss's Life of Eldon, iii 82–87, Peel's Mem, i. 343–350; Lord Colchester's Diary, iii. 607–614.

knew that it would be a great aid to their cause; and, sensible of the insecurity of his favour, they took care that it should be widely proclaimed, as long as it lasted. Politicians like Lord Eldon, who, for forty years, had relied upon the influence of the crown to resist every popular measure,—even when proposed by its own responsible ministers,—were now scandalised by this 'unconstitutional' cry.[1] Yet what did this cry, in truth, import? The state of parties in Parliament, and of popular feeling in the country, had brought into the king's service a ministry pledged to the cause of Parliamentary reform. To this ministry he had given his confidence. George III., by some bold stroke or cunning manœuvre, would soon have set himself free from such a ministry. George IV., after giving a doubtful assent to their policy, would have reserved his confidence and his sympathies for their opponents: but William IV. at this time, took a part at once manly and constitutional. His responsible ministers had advised the passing of a great measure, and he had accepted their advice. They were now engaged in a fierce parliamentary struggle; and the king gave them,—what they were entitled to expect,—his open confidence. So long as they enjoyed this confidence, he exercised his prerogatives and influence according to their counsels. His powers were used in the spirit of the constitution,—not independently, or secretly,—but on the avowed advice and responsibility of his ministers.

[1] Twiss's Life of Eldon, iii. 126.

Dissolution of 1831.

The king was called upon, at a critical period, to exercise his prerogative of dissolving Parliament. In 1831, a new Parliament was yet in its first session: but having been assembled under the auspices of the late administration, before the popular feelings in favour of parliamentary reform had been aroused, it had become evident that a reform ministry, and this Parliament, could not exist together. The ministers, having been twice defeated in three days,[1] had no alternative but to resign their offices, or to appeal from the House of Commons to the people; and they urged the necessity of an immediate dissolution. The time was full of peril, and the king hesitated to adopt the bold advice of his ministers;[2] but when at length he yielded his assent,[3] the prerogative was exercised at once, and by the king in person.[4] If there was something unseemly in the haste with which this was done, and unusual in the manner of doing it,—the occasion was one demanding the promptest action. Lord Wharncliffe had given notice of a motion for an address to the king, remonstrating against a dissolution; and his motion was actually under discussion in the House of Lords, when the

[1] First on General Gascoigne's amendment 19th April, and afterwards on a question of adjournment, 21st April.

[2] Earl Grey's Corr with Will. IV., i. 158, 159 166, 176, 178, see an able and statesmanlike letter from Lord Durham upon the arguments against a dissolution, 22nd March, 1831, Earl Grey's Corr. with Will. IV. i. 193, *note*

[3] Earl Grey's Corr., i. 229.

[4] For an account of the interview between the king and Lords Grey and Brougham, see Roebuck's Hist. of the Whig Ministry, ii. 149, *et seq.*, and Earl Grey's Corr. with Will. IV., *note* by the Editor, i. 234.

king arrived to prorogue Parliament.[1] Both houses would probably have joined in such an address, had time been allowed them, and would have interposed embarrassing obstacles to the exercise of the king's prerogative. By this sudden appeal to the people, ministers at once deprived their opponents of the vantage-ground of parliamentary opposition.

Second reform bill, 1831.

The dissolution resulted in an overpowering majority of the new House of Commons, in favour of the government reform bill. And now the House of Lords, exercising its constitutional right, rejected it. So important a measure was trying all the powers of the state, to their utmost tension. The popular excitement was so great that it was impossible for ministers to yield. The king, though disturbed by increasing apprehensions,[2]—still upheld them, and the Commons supported them by a vote of confidence. All the political forces of the country were thus combined against the House of Lords.

Third reform bill, 1831—32.

After a short prorogation, a third reform bill was passed by the Commons. The positio of the Lords was now too perilous nc to cause some wavering; and the second readin of the bill was accordingly agreed to, by t small majority of nine. This concession, h ever, was followed by an adverse vote in C mittee. A graver question of prerogative had to be considered. An appeal from the Hou

1 Hans. Deb., 3rd Ser., iii. 1806; Roebuck's Hist. of th Ministry, ii. 152; Ann. Reg., 1831, p. 110.

2 Earl Grey's Corr. with Will. IV., ii. 169, 175, 351.

Commons to the people had been decisive: but what appeal was there from the House of Lords? None, save to the crown, to which that body owed its existence. A creation of peers was the *ultima ratio*, which, after serious doubts and misgivings, ministers submitted to the king.[1] His Majesty's resolution had already been shaken by the threatening aspect of affairs, and by the apprehensions of his family and court;[2] and he, not unnaturally, shrank from so startling an exercise of his prerogative.[3] The ministers resigned, and the Commons addressed the king, praying him to call such persons only to his councils as would promote the passing of the reform bill.[4] The Duke of Wellington having failed to form a government of declared anti-reformers, ready to devise a measure of reform at once satisfactory to the people and to the House of Lords,[5] the ministers were recalled.

Proposed creation of peers, 8th May.

Another pressure was now brought to bear upon the House of Lords,—irregular and unconstitutional indeed, but necessary to avert revolution on the one hand, and to save the peers from harsh coercion, on the other. The king having at length agreed to create a sufficient number of peers to carry the bill,[6]—yet anxious to

Influence of the king over the peers.

[1] Earl Grey's Corr with Will. IV, ii 294, 304 Minute of Cabinet, 8th May, 1832, *Ibid*, 394

[2] Earl Grey's Corr with Will IV, ii 175, 179

[3] Roebuck's Hist. of the Whig Ministry, ii 222–227, 281. Earl Grey's Corr. with Will IV, ii. 395.

[4] See also *infra*, Chap V.

[5] See Earl Grey's Corr with Will IV, ii 406, *note*

[6] Roebuck's Hist. of the Whig Ministry, ii 331; Earl Grey's Corr with Will. IV., ii. 432, 434, *infra*, Chap V.

avoid so extreme a measure,—averted the dangers of a great political crisis, by a timely interference. Some of the most violent peers were first dissuaded from proceeding to extremities; and on the 17th May, the following circular letter was addressed, without the knowledge of ministers, to the opposition peers:—

"My dear Lord,—I am honoured with his Majesty's commands to acquaint your lordship, that all difficulties to the arrangements in progress will be obviated by a declaration in the House to-night from a sufficient number of peers, that in consequence of the present state of affairs, they have come to the resolution of dropping their further opposition to the Reform Bill, so that it may pass without delay, and as nearly as possible in its present shape.

'I have the honour to be, &c.,

'Herbert Taylor.'[1]

The peers took this suggestion, and yielded. Had they continued their resistance, a creation of peer
could not have been avoided. This interference o
the king with the independent deliberations of th
House of Lords was, in truth, an act no less unco
stitutional than a creation of peers,—the one bei
an irregular interference of the crown with the fr
dom of Parliament,—the other an extreme exer
of an undoubted prerogative. But it was reso
to,—not to extend the authority of the crown,
overawe Parliament,—but to restore harmo
action to those powers of the state, which had

1 Roebuck's Hist. of the Whig Ministry, ii. 334; Ear
ii. 420, 444.

brought into dangerous opposition and conflict.[1] In singular contrast to the history of past times, this greatest extension of the liberties of the people was now obtained, in the last resort, by the personal influence of the crown.

Two years after these great events, the prerogatives of the crown were again called into activity, in a manner which seemed to revive the political history of 1784. Earl Grey's government had lost the confidence of the king. His Majesty had already become apprehensive of danger to the church, when his alarm was increased by the retirement of Lord Stanley, Sir J. Graham, and two other members of the cabinet, on the question of the appropriation of the surplus revenues of the church in Ireland. And without consulting his ministers, he gave public expression to this alarm, in replying to an address of the prelates and clergy of Ireland.[2] The ministry of Earl Grey, enfeebled by the retirement of their colleagues, by disunion, and other embarrassments, soon afterwards resigned. Though they had already lost their popularity, they continued to command a large majority in the House of Commons. Lord Melbourne's administration, which succeeded, was composed of the same materials, and represented the great liberal party, and its parliamentary majority. Lord Melbourne had concluded the business of the

The Whigs lose the confidence of the king

[1] The Duke of Wellington writing to the Earl of Derby in 1846, said, 'this course gave, at the time, great dissatisfaction to the party: notwithstanding that, I believe, it saved the existence of the House of Lords, at the time, and the constitution of the country.'

[2] Annual Register, 1834, p 43

session of 1834, with the full support of this majority. But the king, who had withdrawn his confidence from Earl Grey, reposed it still less in Lord Melbourne,—having, in the meantime, become entirely converted to the political opinions of the opposition.

Their sudden dismissal in 1834.

In October, the death of Earl Spencer having removed his son, Lord Althorp, from the leadership of the House of Commons, and from his office of Chancellor of the Exchequer, the king seized this opportunity for suddenly dismissing his ministers; and proceeded to consult the Duke of Wellington upon the formation of a government, from the opposite party.[1] Lord Althorp's elevation to the House of Lords rendered necessary a partial reconstruction of the ministry: but assuredly that circumstance alone would not have suggested the propriety of taking counsel with those who constituted but a small minority of the House of Commons. Lord Melbourne proposed to supply the place of Lord Althorp by Lord John Russell,—a far abler man: but the king was determined that the ministry should be dissolved. All the accustomed grounds for dismissing a ministry were wanting. There was no immediate difference of opinion between them and the king, upon any measure, or question of public policy: there was no disunion among themselves: nor were there any indications that they had lost the confidence of Parliament.

[1] See the Duke of Wellington's explanation of these proceedings in a letter to the Duke of Buckingham, Nov. 21st, 1831.—*Courts and Cabinets of William IV.*, &c., ii. 143, *et seq.*

But the accidental removal of a single minister,—not necessarily from the government, but only from one House of Parliament to the other,—was made the occasion for dismissing the entire administration. It is true that the king viewed with apprehension the policy of his ministers in regard to the Irish church: but his assent was not then required to any specific measure of which he disapproved, nor was this the ground assigned for their dismissal. The right of the king to dismiss his ministers was unquestionable: but constitutional usage has prescribed certain conditions under which this right should be exercised. It should be exercised solely in the interests of the state, and on grounds which can be justified to Parliament,—to whom, as well as to the king, the ministers are responsible. Even in 1784, when George III. had determined to crush the coalition ministry, he did not venture to dismiss them, until they had been defeated in the House of Lords, upon Mr. Fox's India Bill. And again, in 1807, the ministers were at issue with the king upon a grave constitutional question, before he proceeded to form another ministry. But here it was not directly alleged that the ministers had lost the confidence of the king; and so little could it be affirmed that they had lost the confidence of Parliament, that an immediate dissolution was counselled by the new administration. The act of the king bore too much the impress of his personal will, and too little of those reasons of state policy by which it should have been prompted: but its impolicy was

so signal as to throw into the shade its unconstitutional character.

Temporary arrangements under the Duke of Wellington.

The Duke of Wellington advised his Majesty that the difficult task of forming a new administration, should be entrusted to Sir Robert Peel. But such had been the suddenness of the King's resolution, that Sir Robert, wholly unprepared for any political changes, was then at Rome. The duke, however, promptly met this difficulty by accepting the office of first lord of the Treasury himself, until Sir Robert Peel's arrival. He also held the seals of one of his Majesty's principal secretaries of state, which,—as there was no other secretary,—constituted his grace secretary for the home, the foreign and the colonial departments. His sole colleague was Lord Lyndhurst, who was entrusted with the great seal: but still retained the office of Lord Chief Baron of the Court of Exchequer.

This assumption of the government by a single man, while Parliament was not sitting,—avowedly for the purpose of forming an administration from a party whose following comprised less than a fourth of the House of Commons,[1]—presented an unpromising view of constitutional government, after the Reform Act.

In defence of this concentration of offices, the precedent of the Duke of Shrewsbury was cited, who, in the last days of Queen Anne, had held the several

[1] Sir Robert Peel himself admitted that he could not have depended upon more than 130 votes.—*Hans. Deb.*, 3rd Ser., xxvi. 224, 293*, 425. See also Chap. VIII.

offices of Lord High Treasurer, Lord Chamberlain, and Lord Lieutenant of Ireland.[1] But the critical emergency of that occasion scarcely afforded an example to be followed, except where some public danger is to be averted. The queen was upon her death-bed: the succession was disputed,—a civil war was impending,—and the queen's ministers had been in secret correspondence with the Pretender. At such a time of peril, any means of strengthening the executive authority was justifiable: but to resort to a similar expedient, when no danger threatened the state, merely for the purpose of concerting ministerial arrangements and party combinations,—if justifiable on other grounds,—could scarcely be defended on the plea of precedent. Its justification, if possible, was rather to be sought in the temporary and provisional nature of the arrangement. The king, having dismissed his ministers, had resolved to entrust to Sir Robert Peel the formation of another ministry. The accident of that statesman's absence deferred, for a time, the carrying out of his Majesty's resolution; and the Duke of Wellington, in the interval, administered the executive business of several departments of the government, in the same manner as outgoing ministers generally undertake its administration, until their successors are appointed. The provisional character of this inter-ministerial government was shown by the circumstances stated by the duke himself, 'that during the whole time he held the

[1] Hansard's Deb., 3rd Ser., xxvi. 224.

seals, there was not a single office disposed of, nor an act done, which was not essentially necessary for the service of the king, and of the country.'[1] That it was an expedient of doubtful and anomalous character,—which, if drawn into precedent, might be the means of abuses dangerous to the state,—could scarcely be denied: but as the duke had exercised the extraordinary powers entrusted to him, with honour and good faith, his conduct, though exposed to invective, ridicule, and caricature,[2] did not become an object of parliamentary censure. Such was the temper of the House of Commons, that had the duke's 'dictatorship,'—as it was called,—been more open to animadversion, it had little to expect from their forbearance.

Sir Robert Peel as premier, 1834.

If any man could have accomplished the task which the king had so inconsiderately imposed upon his minister, Sir Robert Peel was unquestionably the man most likely to succeed. He perceived at once the impossibility of meeting the existing House of Commons, at the head of a Tory administration; and the king was therefore advised to dissolve Parliament.

Assumes the responsibility of the king's acts.

So completely had the theory of ministerial responsibility been now established, that, though Sir Robert Peel was out of the realm when the late ministers were dismissed,—though he could have had no cognizance

[1] Duke of Wellington's Explanations, Feb. 24, 1835; Hans. Deb., 3rd Ser., xxvii. 85.

[2] H. B. represented the duke, in multiform characters, occupying every seat at the Council Board.

of the causes which induced the king to dismiss them,—though the Duke of Wellington had been invested with the sole government of the country, without his knowledge,—he yet boldly avowed that, by accepting office after these events, he became constitutionally responsible for them all,—as if he had himself advised them.[1] He did not attempt, like the ministers of 1807, to absolve himself from censure for the acts of the crown, and at the same time to denounce the criticism of Parliament, as an arraignment of the personal conduct of the king: but manfully accepted the full responsibility which had devolved upon him.

The new Parliament, 1835.

The minister could scarcely have expected to obtain a majority in the new Parliament: but he relied upon the reaction in favour of Tory principles, which he knew to have commenced in the country, and which had encouraged the king to dismiss Lord Melbourne. His party was greatly strengthened by the elections: but was still unequal to the force of the opposition. Yet he hoped for forbearance, and a 'fair trial;' and trusted to the eventual success of a policy as liberal, in its general outline, as that of the Whigs. But he had only disappointments and provocations to endure. A hostile and enraged majority confronted him in the House of Commons,—comprising every section of the 'liberal party,'—and determined to give him no quarter. He was defeated on the election of the Speaker, where at least he had deemed himself

[1] Hans. Deb., 3rd Ser., xxvi. 216, 223.

secure; and again upon the address, when an amendment was voted condemning the recent dissolution as unnecessary;[1] and,—not to mention minor discomfitures,—he was at length defeated on a resolution, affirming that no measure on the subject of tithes in Ireland would be satisfactory, that did not provide for the appropriation of the surplus revenues of the Irish Church.[2]

Efforts of Sir Robert Peel.

These few weeks formed the most brilliant episode in Sir Robert Peel's distinguished parliamentary career. He combined the temper, tact, and courage of a great political leader, with oratory of a higher order than he had ever previously attained. He displayed all the great qualities by which Mr. Pitt had been distinguished, in face of an adverse majority, with a more conciliating temper, and a bearing less haughty. Under similar circumstances, perhaps, his success might have been equal. But Mr. Pitt had still a dissolution before him, supported by the vast influence of the crown: Sir Robert Peel had already tried that venture, under every disadvantage: he found the king's confidence a broken staff,—and no resource was left him, but an honourable retirement from a hopeless struggle.[3]

[1] It lamented that the progress of 'reforms should have been interrupted and endangered by the *unnecessary dissolution of a Parliament* earnestly intent upon the vigorous prosecution of measures, to which the wishes of the people were most anxiously and justly directed.'—*Com. Journ.*, xc. 8. Hans. Deb., xxvi., 3rd Ser., 26, 151, 410, 425.

[2] Com. Journ., xc. 208.

[3] See Peel's Mem., ii. 44–48; Lord Stanhope's Life of Pitt, i. 211.

He resigned, and Lord Melbourne's government, with some alterations, was reinstated. The stroke of prerogative had failed; and its failure offers an instructive illustration of the effects of the Reform Act, in diminishing the ascendent influence of the crown. In George the Third's time, the dismissal of a ministry by the king, and the transfer of his confidence to their opponents,—followed by an appeal to the country,—would certainly have secured a majority for the new ministers. Such had been the effect of a dissolution in 1784, after the dismissal of the coalition ministry: such had been the effect of a dissolution in 1807, on the dismissal of Lord Grenville. But the failure of this attempt to convert Parliament from one policy to another, by the prerogative and influence of the crown, proved that the opinion of the people must now be changed, before ministers can reckon upon a conversion of Parliament. It is true that the whole of these proceedings had been ill advised on the part of the king, even in the interests of the party whom he was anxious to serve: but there had been times within the memory of many statesmen then living, when equal indiscretion would not have incurred the least risk of defeat.

His resignation. Causes of his failure.

The second ministry of Lord Melbourne, though rapidly sinking in the estimation of their own supporters,—and especially of the extreme, or radical party,—while their opponents were gaining strength and popularity in the country,—continued in office during the two

Lord Melbourne's second ministry.

remaining years of the king's reign, without recovering his favour.[1]

Accession of her Majesty, 1837.

Her Majesty, on her most auspicious accession to the throne, finding them the ministers of the crown, at once honoured them with her entire confidence. The occasion was especially favourable for ministers to secure and perpetuate such confidence. The young queen, having no political experience, was without predilections; and the impressions first made upon her mind were likely to be lasting. A royal household was immediately to be organised for her Majesty, comprising not merely the officers of state and ceremony; but,—what was more important to a queen,—all the ladies of her court. Ministers appointed the former, as usual, from among their own parliamentary supporters; and extended the same principle of selection to the latter. Nearly all the ladies of the new court were related to the ministers themselves, or to their political adherents. The entire court thus became identified with the ministers of the day. If such an arrangement was calculated to ensure the confidence of the crown,—and who could doubt that it was?—it necessarily involved the principle of replacing this household with another, on a change of ministry. This was foreseen at the time, and soon afterwards became a question of no little constitutional difficulty.

Her household.

The favour of ministers at court became a subject

[1] Courts and Cabinets of Will. IV., &c., ii. 186; Lord Sydenham's MS. Diary, kindly lent me by Mr. Poulett Scrope, M.P.

of jealousy, and even of reproach, amongst their opponents: but the age had passed away, in which court favour alone could uphold a falling ministry against public opinion. They were weaker now, with the court on their side, than they had been during the late reign, with the influence of the king and his court opposed to them; and in May, 1839, were obliged to offer their resignation. Sir Robert Peel, being charged with the formation of a new administration, had to consider the peculiar position of the household. Since Lord Moira's memorable negotiations in 1812, there had been no difficulties regarding those offices in the household, which were included in ministerial changes: but the court of a queen, constituted like the present, raised a new and embarrassing question.[1] To remove from the society of her Majesty, those ladies who were immediately about her person, appeared like an interference with her family circle, rather than with her household. Yet could ministers undertake the government, if the queen continued to be surrounded by the wives, sisters, and other near relatives of their political opponents? They decided that they could not; and Sir Robert Peel went to the palace to acquaint her Majesty that the ministerial changes would comprise the higher offices of her court occupied by ladies, including the ladies of her bedchamber. The queen met him by at once declaring that she could not admit any change of the ladies of her household. On appealing to Lord

The 'Bedchamber Question.'

[1] Hans. Deb., 3rd Ser., xlvii. 985, *et seq.*, and see *supra*, p. 126.

John Russell on this subject, her Majesty was assured that she was justified, by usage, in declining the change proposed; and afterwards, by the advice of Lord Melbourne and his colleagues, she addressed a letter to Sir Robert Peel, stating that she could not 'consent to adopt a course which she conceived to be contrary to usage, and which was repugnant to her feelings.'[1] Sir Robert Peel, on the receipt of this letter, wrote to her Majesty to resign the trust he had undertaken: stating that it was essential to the success of the commission with which he had been honoured 'that he should have that public proof of her Majesty's entire support and confidence, which would be afforded by the permission to make some changes in that part of her Majesty's household, which her Majesty resolved on maintaining entirely without change.'[2] By a minute of the cabinet, immediately after these events, the ministry of Lord Melbourne recorded their opinion 'that for the purpose of giving to the administration that character of efficiency and stability, and those marks of constitutional support of the crown, which are required to enable it to act usefully to the public service, it is reasonable that the great offices of the court, and situations in the household held by members of Parliament, should be included in the political arrangements made on a change of the administration; but they are not of opinion that a similar principle should be applied, or extended, to

[1] Hans. Deb., 3rd Series, xlvii. 985.
[2] *Ibid.*, 986.

the offices held by ladies in Her Majesty's household.' [1]

In the ministerial explanations which ensued, Sir Robert Peel pointed out forcibly the difficulties which any minister must be prepared to encounter, who should leave about her Majesty's person the nearest relatives of his political opponents. It had not been his intention to suggest the removal of ladies, —even from the higher offices of the household,— who were free from strong party or political connection: but those who were nearly related to the outgoing ministers, he had deemed it impossible to retain. Ministers, on the other hand, maintained that they were supported by precedents, in the advice which they had tendered to her Majesty. They referred to the examples of Lady Sunderland and Lady Rialton, who had remained in the bedchamber of Queen Anne, for a year and a half after the dismissal of their husbands from office; and to the uniform practice by which the ladies of the household of every queen consort had been retained, on changes of administration, notwithstanding their close relationship to men engaged in political life. Ministers also insisted much upon the respect due to the personal feelings of her Majesty, and to her natural repugnance to sacrifice her domestic society to political arrangements.[2]

The 'Bedchamber Question' saved Lord Mel-

[1] Hans. Deb., 3rd Ser., xlvi. 1001; Courts and Cabinets of Will. IV. and Queen Victoria, ii. 383; Lord Sydenham's MS. Diary, 9th and 11th May, 1839.

[2] Hans. Deb., 3rd Series, xlvii 979, 1008.

bourne's government for a further term. Sir Robert Peel had experienced the evil consequences of the late king's premature recall of his party to office; and his prospects in the country were not even yet assured. The immediate result of the bedchamber question was, therefore, not less satisfactory to himself than to ministers. The latter gained no moral strength, by owing their continuance in office to such a cause; while the former was prepared to profit by their increasing weakness. The queen's confidence in her ministers was undiminished; yet they continued to lose ground in Parliament, and in the country. In 1841, the opposition, being fully assured of their growing strength, obtained, by a majority of one, a resolution of the Commons, affirming that ministers had not the confidence of the House; and 'that their continuance in office, under such circumstances, was at variance with the spirit of the constitution.' The country was immediately appealed to upon this issue; and it soon became clear that the country was also adverse to the ministers. Delay had been fatal to them, while it had assured the triumph of their opponents. At the meeting of the new Parliament, amendments to the address were agreed to in both Houses, by large majorities, repeating the verdict of the late House of Commons.[1]

Increased weakness of Lord Melbourne's government.

Sir Robert Peel's second administration, 1841.

Sir Robert Peel was now called upon, at a time of his own choosing, to form a government. Supported by Parliament

[1] In the Lords by a majority of 72, and in the Commons by a majority of 91.

and the country, he had nothing to fear from court influence, even if there had been any disposition to use it against him. No difficulties were again raised on the bedchamber question. Her Majesty was now sensible that the position she had once been advised to assert, was constitutionally untenable. The principle which Sir Robert Peel applied to the household, has since been admitted, on all sides, to be constitutional. The offices of mistress of the robes and ladies of the bedchamber, when held by ladies connected with the out-going ministers, have been considered as included in the ministerial arrangements. But ladies of the bedchamber belonging to families whose political connection has been less pronounced, have been suffered to remain in the household, without objection, on a change of ministry.

The household.

In 1851, an incident occurred which illustrates the relation of ministers to the crown,—the discretion vested in them,—and the circumstances under which the pleasure of the sovereign is to be signified, concerning acts of the executive government. To all important acts, by which the crown becomes committed, it had been generally acknowledged that the sanction of the sovereign must be previously signified. And in 1850, her Majesty communicated to Lord Palmerston, the secretary of state for foreign affairs,—through Lord John Russell, her first minister,—a memorandum, giving specific directions as to the transaction of business between the crown and the secretary of state. It was in these words:—"Th

Relations of a secretary of state to the crown.

queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the queen may know as distinctly to what she is giving her royal sanction. Secondly, having once given her sanction to a measure, that it be not arbitrarily altered or modified by the minister. Such an act she must consider as failing in sincerity towards the crown, and justly to be visited by the exercise of her constitutional right of dismissing that minister. She expects to be kept informed of what passes between him and the foreign ministers, before important decisions are taken, based upon that intercourse: to receive the foreign despatches in good time; and to have the drafts for her approval, sent to her in sufficient time to make herself acquainted with their contents, before they must be sent off.'

The queen's memorandum, 1850.

Such being the relations of the foreign secretary to the crown, the sovereign is advised upon questions of foreign policy by her first minister, to whom copies of despatches and other information are also communicated, in order to enable him to give such advice effectually.[2] In controlling one minister, the sovereign yet acts upon the counsels and responsibility of another.

Lord Palmerston's removal from office in 1851.

Immediately after the *coup d'état* of the 2nd December, 1851, in Paris, the cabinet determined that the government of this country should abstain from any inter-

[1] Hans. Deb., 3rd Ser., cxix. 90.

[2] Sir Robert Peel's evidence before Select Committee on Official Salaries. Statement by Lord J. Russell; Hans. Deb., 3rd Ser. cxix. 91.

ference in the internal affairs of France; and a despatch to that effect, approved by the queen, was addressed to Lord Normanby, the British ambassador in Paris. But before this official communication was written, it appeared that M. Walewski, the French ambassador at the Court of St. James's, had assured his own government, that Lord Palmerston had 'expressed to him his entire approbation of the act of the president, and his conviction that he could not have acted otherwise than he had done.' This statement having been communicated to Lord Normanby by M. Turgot, was reported by him to Lord Palmerston. On receiving a copy of Lord Normanby's letter, Lord John Russell immediately wrote to Lord Palmerston requiring explanations of the variance between his verbal communications with the French ambassador, and the despatch agreed upon by the cabinet; and a few days afterwards her Majesty also demanded similar explanations. These were delayed for several days; and in the meantime, in reply to another letter from Lord Normanby, Lord Palmerston, on the 16th of December, wrote to his lordship, explaining his own views in favour of the policy of the recent *coup d'état.* On receiving a copy of this correspondence, Lord John Russell conceived that the secretary of state was not justified in expressing such opinions without the sanction of the crown and the concurrence of the cabinet,—more particularly as these opinions were opposed to the policy of non-intervention upon which the cabinet had determined, and inconsistent with that moral support and sympathy,

which England had generally offered to constitutional government in foreign countries. The explanations which ensued were not deemed satisfactory; and Lord Palmerston was accordingly removed from office, on the ground that he had exceeded his authority as secretary of state, and had taken upon himself alone, to be the organ of the queen's government.[1]

In defence of his own conduct, Lord Palmerston, while fully recognising the principles upon which a secretary of state is required to act in relation to the crown and his own colleagues, explained that his conversation with Count Walewski on the 3rd of December, and his explanatory letter to Lord Normanby on the 16th, were not inconsistent with the policy of non-intervention upon which the cabinet had resolved: that whatever opinions he might have expressed, were merely his own; and that he had given no official instructions or assurances on the part of the government, except in the despatch of the 5th of December, which her Majesty and the cabinet had approved.

Though the premier and the secretary of state had differed as to the propriety of the particular acts of the latter, they were agreed upon the general principles which regulate the relations of ministers to the crown. These events exemplify the effective control which the crown constitutionally exercises in the government of the country. The policy and conduct of its ministers are subject to its active

[1] Explanations of Lord J. Russell, Feb. 3, 1852.

supervision. In minor affairs the ministers have a separate discretion, in their several departments: but in the general acts of the government, the crown is to be consulted, and has a control over them all.

Wise use of the influence of the crown, in the present reign

From this time no question has arisen concerning the exercise of the prerogatives or influence of the crown, which calls for notice. Both have been exercised wisely, justly, and in the true spirit of the constitution. Ministers, enjoying the confidence of Parliament, have never claimed in vain the confidence of the crown. Their measures have not been thwarted by secret influence, and irresponsible advice. Their policy has been directed by Parliament and public opinion, and not by the will of the sovereign, or the intrigues of the court. Vast as is the power of the crown, it has been exercised, throughout the present reign, by the advice of responsible ministers, in a constitutional manner, and for legitimate objects. It has been held in trust, as it were, for the benefit of the people. Hence it has ceased to excite either the jealousy of rival parties, or popular discontents. This judicious exercise of the royal authority, while it has conduced to the good government of the state, has sustained the moral influence of the crown; and the devoted loyalty of a free people, which her Majesty's personal virtues have merited, has never been disturbed by the voice of faction.[1]

[1] A most touching memoir has revealed how wise and faithful a councillor her Majesty found in her beloved Consort,—'the life of her life,'—whose rare worth was not fully known until it was lost to his country. Speeches, &c. of the Prince Consort, 55, 62, 65–71.

General increase of the influence of the crown.

But while the influence of the crown in the government of the country has been gradually brought into subordination to Parliament and public opinion, the same causes, which, for more than a century and a half, contributed to its enlargement, have never ceased to add to its greatness. The national expenditure and public establishments have been increased to an extent that alarms financiers: armies and navies have been maintained, such as at no former period had been endured in time of peace. Our colonies have expanded into a vast and populous empire; and her Majesty, invested with the sovereignty of the East Indies, now rules over two hundred millions of Asiatic subjects. Governors, commanders-in-chief, and bishops attest her supremacy in all parts of the world; and the greatness of the British empire, while it has redounded to the glory of England, has widely extended the influence of the crown. As that influence, constitutionally exercised, has ceased to be regarded with jealousy, its continued enlargement has been watched by Parliament without any of those efforts to restrain it, which marked the parliamentary history of the eighteenth century. On the contrary, Parliament has met the increasing demands of a community rapidly advancing in population and wealth, by constant additions to the power and patronage of the crown. The judicial establishments of the country have been extended, by the appointment of more judges in the superior courts,—by a large staff of county court judges, with local jurisdiction,—and by numerous stipendi-

ary magistrates. Offices and commissions have been multiplied, for various public purposes; and all these appointments proceed from the same high source of patronage and preferment. Parliament has wisely excluded all these officers, with a few necessary exceptions, from the privilege of sitting in the House of Commons: but otherwise these extensive means of influence have been entrusted to the executive government, without any apprehension that they will be perverted to uses injurious to the freedom, or public interests of the country.

Continued influence of great families.

The history of the influence of the crown has now been sketched, for a period of one hundred years. We have seen George III. jealous of the great Whig families, and wresting power from the hands of his ministers; we have seen ministers becoming more accountable to Parliament, and less dependent upon the crown: but as in the commencement of this period, a few great families commanded the support of Parliament, and engrossed all the power of the state,— so under a more free representation, and more extended responsibilities, do we see nearly the same families still in the ascendant. Deprived, in great measure, of their direct influence over Parliament, —their general weight in the country, and in the councils of the state, had suffered little diminution. Notwithstanding the more democratic tendencies of later times, rank and station had still retained the respect and confidence of the people. When the aristocracy enjoyed too exclusive an influence in the government, they aroused jealousies and hostility:

but when duly sharing power with other classes, and admitting the just claims of talent, they prevailed over every rival and adverse interest; and,—whatever party was in power,—were still the rulers of the state.

In a society comprising so many classes as that of England, the highest are willingly accepted as governors, when their personal qualities are not unequal to their position. They excite less jealousy than abler men of inferior social pretensions, who climb to power. Born and nurtured to influence, they have studied how to maintain it. That they have maintained it so well, against the encroachments of wealth,—an expanding society, and popular influences, is mainly due to their progressive policy. As they have been ready to advance with their age, the people have been content to acknowledge them as leaders: but had they endeavoured to stem the tide of public opinion, they would have been swept aside, while men from other classes advanced to power.

CHAPTER III.

THE PREROGATIVES OF THE CROWN, DURING THE MINORITY OR INCAPACITY OF THE SOVEREIGN.—ILLNESS AND REGENCY OF GEORGE THE THIRD.—LATER REGENCY ACTS.

We have seen the prerogatives of the crown wielded in the plenitude of kingly power. Let us now turn aside for awhile, and view them as they lay inert in the powerless hands of a stricken king.

Prerogatives of the crown in abeyance

The melancholy illnesses of George III., at different periods of his reign, involved political considerations of the highest importance,—affecting the prerogatives of the crown, the rights of the royal family, the duties of ministers, and the authority of Parliament.

The king was seized by the first of these attacks in 1765. Though a young man, in the full vigour of life, he exhibited those symptoms of mental disorder, which were afterwards more seriously developed. But the knowledge of this melancholy circumstance was confined to his own family, and personal attendants.[1] This illness, however, had been in other respects so alarming, that it led the king to consider the necessity of providing for a

First illness of George III in 1765.

[1] Grenville Papers, iii 122; Adolphus, Hist., i. 175, n.; Quarterly Review, lxvi. 210, by Mr. Croker.

regency, in case of his death. The laws of England recognise no incapacity in the sovereign, by reason of *nonage*; and have made no provision for the guardianship of a king, or for the government of his kingdom, during his minority.[1] Yet the common sense of every age has revolted against the anomaly of suffering the country to be practically governed by an infant king. Hence special provision has been made for each occasion, according to the age and consanguinity of the surviving relatives of the minor; and as such provision involves not only the care of an infant, but the government of the realm, the sanction of Parliament has necessarily been required, as well as that of the king.

Regency Act of 1751.

By the Regency Act of 1751, passed after the death of Frederick Prince of Wales, the Princess Dowager of Wales had been appointed regent, in the event of the demise of George II. before the Prince of Wales, or any other of her children succeeding to the throne, had attained the age of eighteen years. This act also nominated the council of regency: but empowered the king to add four other members to the council, by instruments under his sign manual, to be opened after his death.[2] But this precedent deferred too much to the judgment of Parliament, and left too little to the discretion of the king himself, to be

1 'In judgment of law, the king, as king, cannot be said to be a minor; for when the royall bodie politique of the king doth meete with the naturall capacity in one person, the whole bodie shall have the qualitie of the royall politique, which is the greater and more worthy, and wherein is no minoritie.'—*Co. Litt.*, 43.

2 24 Geo. II. c. 24; Walpole's Mem. Geo. III., ii. c. 102.

acceptable to George III. He desired to reserve to himself the testamentary disposition of his prerogatives, and to leave nothing to Parliament but the formal recognition of his power.

The king's first scheme of a regency, 1765

The original scheme of the regency, as proposed by the king, in 1765, was as strange as some of the incidents connected with its further progress. He had formed it without any communication with his ministers, who consequently received it with distrust, as the work of Lord Bute and the king's friends, of whom they were sensitively jealous.[1] The scheme itself was one to invite suspicion. It was obviously proper, that the appointment of a regent should be expressly made by Parliament. If the king had the nomination, there could be no certainty that any regent would be appointed: he might become incapable, and die intestate, as it were; and this contingency was the more probable, as the king's mind had recently been affected. But his Majesty proposed that Parliament should confer upon him the unconditional right of appointing any person as regent, whom he should select.[2] Mr. Grenville pressed him *to name the regent in his speech*, but was unable to persuade him to adopt that suggestion. There can be little doubt that the king intended that the queen should be regent; but he was believed to be dying of consumption,[3] and was still supposed to be under the influence of his mother. Hence ministers

[1] Walpole's Mem., ii. 99. 101; Rockingham Mem., i. 183.
[2] Grenville Papers (Diary), iii. 126, 129.
[3] Walpole's Mem., ii. 98.

feared lest the princess might eventually be appointed regent, and Lord Bute admitted to the council of regency. Some even went so far as to conceive the possibility of Lord Bute's nomination to the regency itself.[1] It was ultimately arranged, however, that the king should nominate the regent, but that his choice should be restricted 'to the queen and any other person of the royal family usually resident in England;'[2] and the scheme of the regency was proposed to Parliament upon that basis.[3]

Modified by the ministers.

On the 24th of April, 1765, the king came down to Parliament and made a speech to both Houses, recommending to their consideration the expediency of enabling him to appoint, 'from time to time, by instrument in writing, under his sign-manual, either the queen, or any other person of his royal family, usually residing in Great Britain, to be the guardian of his successor, and the regent of these kingdoms, until such successor shall attain the age of eighteen years,'—subject to restrictions similar to those contained in the Regency Act, 24 Geo. II.,—and of providing for a council of regency. A joint address was immediately agreed upon by both Houses,—ultra-loyal, according to the fashion of the time,—approaching

The king's speech.

1 Walpole Mem., ii. 101, 104.

2 Cabinet Minute, 5th April; Grenville Papers, iii. 15, 16.

3 Lord John Russell says that the ministers 'unwisely introduced the bill without naming the regent, or placing any limit on the king's nomination.' Introd. to 3rd vol. of *Bedford Corr.*, xxxix. This was not precisely the fact, as will be seen from the text; but ministers were equally blameable for not insisting that the queen alone should be the regent.

his 'sacred person' with 'reverence,' 'affection,' 'admiration,' and 'gratitude;' scarcely venturing to contemplate the possibility of 'an event which, if it shall please God to permit it, must overwhelm his Majesty's loyal subjects with the bitterest distraction of grief;' and promising to give immediate attention to recommendations which were the result of the king's 'consummate prudence,' 'beneficent intention,' 'salutary designs,' 'princely wisdom,' and 'paternal concern for his people.'[1]

The Regency Bill, 1765.

A bill, founded upon the royal speech, was immediately brought into the House of Lords. In the first draft of the bill, the king, following the precedent of 1751, had reserved to himself the right of nominating four members of the council of regency: but on the 29th April, he sent a message to the Lords, desiring that his four brothers and his uncle, the Duke of Cumberland, should be specified in the bill; and reserving to himself the nomination of other persons, in the event of any vacancy.[2] The bill was read a second time on the following day. But first it was asked if the queen was naturalised,—and if not, whether she could lawfully be regent. This question was referred to the judges, who were unanimously of opinion, 'that an alien married to a king of Great

[1] Parl. Hist., xvi. 53.

[2] [illegible]

princess dowager, and procured the king's consent to it.'—*Rockingham Mem.*, i. 183.

Britain is, by operation of the law of the crown (which is a part of the common law), to be deemed a natural-born subject from the time of such marriage; so as not to be disabled by the Act of the 12th William III., or by any other Act, from holding or enjoying any office or place of trust, or from having any grant of lands, &c., from the crown.'[1] Then, suddenly a doubt arose whether the king's mother, the Princess of Wales, was comprehended in the 'royal family' or not. It was suggested that this term applied only to members of the royal family in the line of succession to the crown, and would not extend beyond the descendants of the late king.[2] There can be no question that the king, in his speech, had intended to include the princess; and even the doubt which was afterwards raised, was not shared by all the members of the cabinet, —and by the Lord Chancellor was thought unfounded.[3] Whether it had occurred to those by whom the words had been suggested to the king, is doubtful.

Exclusion of the Princess of Wales.

On the 1st May, Lord Lyttleton moved an address, praying the king to name the regent, which was rejected. On the 2nd, the Duke of Richmond moved an amendment in committee, defining the persons capable of the regency to be the queen, the princess dowager, and the descendants of the late king. Strange as it may seem, the ministers resisted this amendment, and it was

[1] Lords' Journ., xxxi. 174.
[2] Grenville Papers (Diary), iii. 125-148; Walpole's Mem., ii. 118.
[3] *Ibid.*, 148.

negatived.[1] The doubt which had thus been raised concerning the Princess of Wales had not been removed, when, on the following day, Lord Halifax and Lord Sandwich had an audience of the king, and represented, that if the Lords should insert the princess's name in the bill, the Commons would strike it out again; and that such an insult might best be avoided by not proposing her name at all.[2] The king was taken by surprise, and either misunderstood the proposal, or failed to show his usual firmness and courage in resisting it.[3] Lord Halifax at once proceeded to the House of Lords, and moved the re-commitment of the bill, according to the alleged wishes of his Majesty, in order to make an amendment, which limited the regency to the queen, and the descendants of the late king, usually resident in England. Thus, not satisfied with gaining their point, ministers had the cruelty and assurance to make the king himself bear the blame of proposing an affront to his own mother. Well might Horace Walpole exclaim: 'And thus she alone is rendered incapable of the regency, and stigmatised by Act of Parliament!'[4]

The king had no sooner given his consent than he recoiled from its consequences,—complained that he had been betrayed,—and endeavoured to obtain the insertion of his mother's name. He could gain no satisfaction from his ministers:[5] but in the Com-

[1] Parl. Hist., xvi. 55; Rockingham Mem., i. 182.
[2] Walpole's Mem., ii. 125.
[3] Grenville Papers (Diary), iii. 149, and 156, n.
[4] Letter to Lord Hertford, May 5th.
[5] 'The king seemed much agitated, and felt the force of what Mr.

mons, the friends of the Princess, encouraged by the king himself, took up her cause; and, on the motion of Mr. Morton, Chief Justice of Chester, which was not opposed by the ministers,—her name was inserted in the bill. The king had been assured that the Commons would strike it out: and yet, after the House of Lords had omitted it, on the supposed authority of the king himself, there were only thirty-seven members found to vote against its insertion, while one hundred and sixty-seven voted in its favour;[1] and in this form the bill passed.

Her name replaced in the bill.

Could any lover of mischief,—could Wilkes himself,—have devised more embarrassments and cross purposes, than were caused by this unlucky Regency Bill? Faction and intrigue had done their worst.

Provisions of the Regency Act, 1765.

The Regency Act[2] provided for the nomination by the king, under his sign-manual, of the queen, the Princess of Wales, or a member of the royal family descended from the late king, to be the guardian of his successor, while under eighteen years of age, and 'Regent of the kingdom,' and to exercise the royal power and prerogatives. His nomination was to be signified by three instruments, separately signed and sealed up, and deposited with the Archbishop of Canterbury,

Grenville said in regard to the different directions given to his servants in the two Houses, but still enforced the argument of this being moved by the gentlemen of the Opposition. The king was in the utmost degree of agitation and emotion, even to tears.'—*Mr. Grenville's Diary*, May 5th, 1765; *Grenville Papers*, iii. 154.

[1] Mr. Grenville's Report of the Debate to the King; Grenville Papers, iii. 25. *n.*; Walpole's Mem. George III., ii. 129–146.

[2] 5 George III. c. 27.

the Lord Chancellor, and the President of the Council. It attached the penalties of præmunire to any one who should open these instruments during the king's life, or afterwards neglect or refuse to produce them before the privy council. It appointed a council of regency, consisting of the king's brothers and his uncle, the Duke of Cumberland, and several great officers of church and state, for the time being. In case any of the king's brothers or his uncle should die, or be appointed regent, it gave the king the power of nominating another person, being a natural-born subject, to the council of regency, by instruments in the same form as those appointing the regent. The act also defined the powers of the regent and council. On the demise of his Majesty, the privy council was directed to meet and proclaim his successor.

The king's illness in 1788-9.

The king's next illness was of longer duration, and of a more distressing character. It was the occasion of another Regency Bill, and of proceedings wholly unprecedented. In the summer of 1788, the king showed evident symptoms of derangement. He was able, however, to sign a warrant for the further prorogation of Parliament by commission, from the 25th September to the 20th November. But, in the interval, the king's malady increased: he was wholly deprived of reason, and placed under restraint; and for several days his life was in danger.[1] As no authority could now be

[1] Tomline's *Life of Pitt*, ii. 363, Lord Auckland's Corr., ii. 210 298, Madame D'Arblay's Diary, iv. 275, *et seq.*, Moore's Life of Sheridan, ii 21. *At such times as these, political events passed*

obtained for a further prorogation, both Houses assembled on the 20th November, though they had not been summoned for despatch of business, and no causes of summons could be communicated to them, in the accustomed manner, by a speech from the throne. These circumstances were explained in both Houses; and, on the suggestion of ministers, they agreed to adjourn for a fortnight, and to summon all their members, by circular letters, to attend at their next meeting.[1] According to long-established law, Parliament, without being opened by the crown, had no authority to proceed to any business whatever: but the necessity of an occasion for which the law had made no provision, was now superior to the law; and Parliament accordingly proceeded to deliberate upon the momentous questions to which the king's illness had given rise.

Examination of the king's physicians.

In order to afford Parliament authentic evidence of the king's condition, his five physicians were examined by the privy council on the 3rd December. They agreed that the king was then incapable of meeting Parliament, or of attending to any business; but believed in the probability of his ultimate recovery, although they could not limit the time. On the following day this evi-

heavily on the king's mind. He said to Lord Thurlow and the Duke of Leeds, 'Whatever you and Mr. Pitt may think or feel, I, that am born a gentleman, shall never lay my head on my last pillow in peace and quiet as long as I remember the loss of my American colonies.' —*Lord Malm. Corr.*, iv. 21. On a later occasion, in 1801, the king's mind showed equally strong feelings as to the supposed dangers of the Church.

[1] Parl. Hist., xxvii. 653, 685. The House of Commons was also ordered to be called over on that day.

dence was laid before both Houses: but as doubts were suggested whether Parliament should rest satisfied without receiving the personal testimony of the physicians, it was afterwards agreed that a committee should be appointed, in each House, for that purpose. In the Lords the committee was nominated by ballot, each peer giving in a list of twenty-one names.[1] Meanwhile all other business was suspended. In the Commons, the speaker even entertained doubts whether any new writs could be issued for supplying the places of members deceased: but Mr. Pitt expressed a decided opinion, 'that though no act could take place which required the joint concurrence of the different branches of the Legislature, yet each of them in its separate capacity was fully competent to the exercise of those powers which concerned its own orders and jurisdiction.'[2] And in this rational view the House acquiesced.

Committees appointed

The reports of these committees merely confirmed the evidence previously given before the privy council; and the facts being thus established, a committee was moved for, in either House, to search for precedents 'of such proceedings as may have been had in case of the personal exercise of the royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.' When this motion was made in the Commons, Mr. Fox advanced the startling opinion that the Prince of Wales had as clear a

Committees to search for precedents.

Doctrines of Mr. Fox and Mr. Pitt.

[1] Parl Hist., xxvii. 658.

[2] *Ibid.*, 658.

right to exercise the power of sovereignty during the king's incapacity, as if the king were actually dead; and that it was merely for the two Houses of Parliament to pronounce at what time he should commence the exercise of his right.[1] To assert an absolute right of inheritance during his father's life, in defiance of the well-known rule of law, '*nemo est hæres viventis*,' was to argue that the heir-at-law is entitled to enter into possession of the estate of a lunatic; and while it amounted to a deposition of the king, it denied the constitutional rights of Parliament. Mr. Pitt, on the other hand, maintained that as no legal provision had been made for carrying on the government, it belonged to the Houses of Parliament to make such provision. He even went so far as to affirm, that, 'unless by their decision, the Prince of Wales had no more right—speaking of strict right—to assume the government, than any other individual subject of the country,'[2]—a position as objectionable in one direction, as that of Mr. Fox in the other,[3]—and which gave great umbrage to the prince and his friends. And here the two parties joined issue.

Issue taken as to the rights of the Prince.

When next this matter was discussed, Mr. Fox, being sensible that he had pressed his doctrine of right beyond its constitutional limits, somewhat receded from his first ground. He now spoke of the Prince having a

[1] Parl. Hist., xxvii. 707. [2] *Ibid.*, 709.

[3] Lord John Russell says, 'The doctrine of Mr. Fox, the popular leader, went far to set aside the constitutional authority of Parliament, while that of Mr. Pitt, the organ of the Crown, tended to shake the stability of the monarchy, and to peril the great rule of hereditary succession.'—*Fox Mem.*, ii. 263.

legal claim rather than a right to the regency; and contended that it was for Parliament to adjudicate upon that claim, which, when allowed, would become an absolute title to the exercise of all the rights of sovereignty, without any limitation. He declared that he spoke merely his own opinion, without any authority; but that if he had been consulted, he should have advised a message from the prince, stating his claim, to be answered by a joint address of both Houses, calling upon him to exercise the prerogatives of the crown. It was now his main position that no restrictions should be imposed upon the powers of the regent. But here, again, Mr. Pitt joined issue with him; and while he agreed that, as a matter of discretion, the Prince of Wales ought to be the regent, with all necessary authority, —unrestrained by any permanent council, and with a free choice of his political servants; he yet contended that any power not essential, and which might be employed to embarrass the exercise of the king's authority, in the event of his recovery, ought to be withheld.[1] And as the question of right had been raised, he insisted that it ought first to be determined,—since if the right should be held to exist, Parliament having adjudicated upon such right, need not deliberate upon any further measures.

The same questions were debated in the House of Lords, where the Duke of York said that no claim of right had been made on the part of the prince, who 'understood too well

The Prince of Wales disclaims his right.

[1] Dec. 12th Parl Hist., xxvii. 727.

the sacred principles which seated the house of Brunswick on the throne, ever to assume or exercise any power, be his claim what it might, not derived from the will of the people, expressed by their representatives and their Lordships in Parliament assembled.' His Royal Highness, therefore, deprecated the resolution of ministers to press for any decision on that point,—in which the Duke of Gloucester concurred.[1]

The Prince offended by Mr. Pitt's conduct.

Meanwhile, the Prince, greatly offended by Mr. Pitt's conduct, wrote to the chancellor complaining that the premier had publicly announced so much of his scheme of regency, and was prepared, as he conceived, to lay it still more fully before Parliament, without having previously submitted it to his consideration. He desired that Mr. Pitt would send him, in writing, an outline of what he proposed. Mr. Pitt immediately wrote to the prince, explaining his own conduct, and stating that it was not his intention to propose any specific plan until the right of Parliament to consider such a plan had been determined; and that he would then submit to his Royal Highness the best opinions which his Majesty's servants had been able to give.[2]

Mr. Pitt's ... regency resolutions.

On the 16th December, the House resolved itself into a committee on the state of the nation, when Mr. Pitt again enforced the right of Parliament to appoint a regent,—ortifying his position by reference to the report of

[1] Parl. Hist., xxvii. 678, 684.
[2] Tomline's Life of Pitt, ii. 388; where the letter is printed at ...gth.

precedents,[1] which had then been received,—and arguing ably and elaborately that neither law, precedent, nor analogy could be found to support the claim which had been urged on behalf of the Prince of Wales. He concluded by moving three resolutions; affirming, firstly, that the personal exercise of royal authority was interrupted; secondly, the right of the two Houses to supply this defect of the royal authority in such manner as the exigency of the case may seem to require; and, thirdly, the necessity of 'determining the means by which the royal assent may be given to bills passed by the two Houses respecting the exercise of the powers of the crown, during the continuance of the king's indisposition.'

Mr. Fox argued, ingeniously, that the principles maintained by Mr. Pitt tended to make the monarchy elective instead of hereditary; and that if Parliament might elect any one to be regent, for whatever time it thought fit, the monarchy would become a republic. Nor did he omit to seek for support, by intimations that he should be Mr. Pitt's successor, under the regency.[2]

On the report of these resolutions to the House,[3] Mr. Pitt explained,—in reference to his third resolution, which had not been clearly understood,—that he intended, when the resolutions had been agreed to by both Houses, to propose that the Lord Chancellor should be empowered by a vote

[1] Commons' Journ., xliv. 11, Lords' Journ., xxxviii. 270.
[2] Parl. Hist., xxvii. 731-778
[3] *Ibid.*, 782, Twiss's Life of Eldon, i. 191.

of the two Houses, to affix the great seal to commissions for opening the Parliament, and for giving the royal assent to a *Regency Bill.* The propriety of this singular course of proceeding was much questioned: but, after long debates, the resolutions were agreed to, and communicated to the House of Lords at a conference. In that House the same questions were debated, and Lord Rawdon moved as an amendment, an address to the Prince of Wales, praying him 'to take upon himself, as sole regent, the administration of the executive government, in the king's name.' Lord Chancellor Thurlow,—though faithless to his colleagues, and intriguing, at the very time, with the queen and the Prince of Wales,[1]—supported the ministerial position with great force. In answer to Lord Rawdon's amendment, he 'begged to know *what the* term "regent" meant? where was he to find it defined? in what law-book, or what statute? He had heard of *custodes regni,* of lieutenants for the king, of guardians, and protectors, and of lords justices: but he knew not where to look for an explanation of the office and functions of regent. To what end, *then,* would it be to address the prince to take upon himself an office, the boundaries of which were by no means ascertained? . . . . What was meant by the executive government? Did it mean the whole royal authority? Did it mean the power of legislation? Did it mean all the sovereign's

[1] Nicholl's Recollections, 71; Tomline's Life of Pitt, iii. c. 15; Wilberforce's Life, i. App.; Moore's Life of Sheridan, ii. 31; Lord Campbell's Lives of Chancellors, v. 583, *et seq.*; Lord Stanhope's Life of Pitt, 395–[illegible].

functions without restriction or limitation of any kind whatsoever? If it did, it amounted to the actual dethroning of his Majesty, and wresting the sceptre out of his hand.'[1] All the resolutions were agreed to: but were followed by a protest signed by forty-eight peers.[2]

The perplexities arising out of the incapacity of the sovereign,—the constitutional source and origin of authority,—were now increased by the death of Mr. Cornwall, the Speaker of the House of Commons. His Majesty's leave could not be signified that the Commons should proceed to the election of another speaker; nor could the new speaker, when elected, be presented for the king's approval. But the necessity of the occasion suggested an easy expedient; and both these customary formalities were simply dispensed with, without any attempt to assume the appearance of the royal sanction.[3]

Death of Mr Speaker Cornwall.

All these preliminaries being settled, Mr. Pitt now submitted to the Prince of Wales the plan of regency which he intended to propose. The limitations suggested were these:—that the care of the king's person and

Mr. Pitt submits his scheme to the prince

[1] [illegible]

[illegible] it is entered in the rolls of Parliament that the title of regent was not given him, because '*it emported auctorite of governaunce of the lande*'—Rot. Parl., v. 242, A.D. 1454; Rymer's Fœdera, v. 55.

[2] Parl. Hist., xxvii. 901.

[3] *Ibid.*, 903, 1160.

household, and the appointment of officers and servants should be reserved to the queen:—that the regent should not be empowered to dispose of the real or personal property of the king, or to grant any office in reversion, or any pension or office, otherwise than during pleasure, except those which were required to be granted for life, or during good behaviour; or to bestow any peerage except upon his Majesty's issue, having attained the age of twenty-one.[1] These limitations were suggested, he said, on the supposition that the king's illness would not be of long duration, and might afterwards be revised by Parliament.

The prince's reply.

The prince's reply to this communication was a most skilful composition, written by Burke and revised by Sheridan.[2] He regarded the restrictions as 'a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs,—a project for dividing the royal family from each other, for separating the court from the state,—a scheme disconnecting the authority to command service, from the power of animating it by reward, and for allotting to the prince all the invidious duties of government, without the means of softening them to the public, by any act of grace, favour, or benignity.' And he repudiated as unnecessary, the restriction upon his granting away the king's property,—a power which he had shown no inclination to possess.[3]

1 Tomline's Life of Pitt, ii. 422; Parl. Hist., xxvii. 909.
2 Moore's Life of Sheridan, ii. 50. Lord Stanhope assigns the authorship to Mr. Burke alone.—*Life of Pitt*, ii. 18.
3 Tomline's Life of Pitt, ii. 425; Parl. Hist., xxvii. 910.

But before Mr. Pitt was able to bring his proposals before Parliament, fresh discussions were raised by the opposition on the state of the king's health, which resulted in another examination of his physicians by a select committee. The inquiry lasted for several days: but while it disclosed much party spirit, intrigue, and jealousy, it established no new facts concerning the probable recovery of the royal patient.[1] The least hopeful physicians were popular with the opposition: the more sanguine found favour with the court and ministers. At length, on the 19th January, Mr. Pitt moved in committee on the state of the nation, five resolutions on which the Regency Bill was to be founded. After animated debates they were all agreed to, and communicated at a conference to the Lords, by whom they were also adopted: but not without a protest signed by fifty-seven peers, headed by the Dukes of York and Cumberland.

Further inquiries concerning the king's health

Further resolutions on the regency

The next step was to lay these resolutions before the prince; and to ascertain whether he would accept the regency, with the conditions attached to it by Parliament. The resolutions were accordingly presented by both Houses; and the prince, out of respect for his father, the interests of the people, and the united desires of the two Houses, consented to undertake the trust, though he felt the difficulties which must attend its execution. The resolutions were also presented to the queen and received a gracious answer.[2]

Laid before the prince.

[1] Commons' Journ., xliv. 47.

[2] Parl. Hist., xxvii. 1122.

[illegible]

Another technical difficulty was still to be overcome before the Regency Bill could, at last, be introduced. Parliament had not yet been opened, nor the causes of summons declared, in a speech from the throne,—formalities always held to be essential to enable Parliament to proceed with its legislative business. It was now proposed, by a vote of both Houses, to authorise the passing of letters patent under the great seal, for the opening of Parliament by commission. The necessity of adopting this expedient had been already intimated, and had been described as a 'phantom' of royalty, a 'fiction,' and a 'forgery.' It was now formally proposed, by ministers, on the ground that the opening of Parliament, by royal authority, was essential to the validity of its proceedings: that during the king's incapacity such authority could only be signified by a commission under the great seal: that without the direction of both Houses, the Lord Chancellor could not venture to affix the seal: but that the commission being once issued, with the great seal annexed to it,—the instrument by which the will of the king is declared—no one could question its legality.[1] It was also stated that the royal assent would hereafter be signified to the Regency Bill by commission, executed in the same way. A precedent in 1754 was further relied on, in which Lord Hardwicke had affixed the great seal to two commissions,—the one for opening Parliament, and

Jan. 31, 17[illegible]

[1] Lord Camden's Speech; Parl. Hist., xxvii. 1124.

the other for passing a bill, during a dangerous illness of George II.[1]

It was contended on the other side, with much force, that if this legal fiction were necessary at all, it ought to have been used for the opening of Parliament two months ago: that hitherto the time of Parliament had been wasted,—its deliberations unauthorised, irregular, and fruitless. But this fiction was also an assumption of royal authority. The Houses had already agreed to allot one portion of the prerogatives to the queen, and another to the *regent, and now they were about to take another* portion themselves: but, after all, the fictitious use of the king's name would be illegal. By the 33rd Henry VIII., it was declared that a commission for giving the royal assent to a bill must be by letters patent under the great seal, and signed by the king's own hand. The great seal alone would not, therefore, make the commission legal; and the Act for the Duke of Norfolk's attainder had been declared void by Parliament, because the commission for giving the royal assent to it had wanted the king's sign-manual, his name having been affixed by means of a stamp.[2] The course proposed by ministers, however, was approved by both Houses.

The royal dukes decline to be in the commission.

According to invariable custom, the names of all the royal dukes, having seats in the House of Lords, had been inserted in the proposed commission: but the Duke of York

[1] Speeches of Mr. Pitt and Lord Camden. In the latter this precedent is erroneously assigned to 1739. See also Lord Colchester's Diary, ii. 283.

[2] 1 Mary, Sess. 2, c. 13 (Private).

desired that his own name and that of the Prince of Wales might be omitted, as he 'deemed the measure proposed, as well as every other which had been taken respecting the same subject, as unconstitutional and illegal.' The Duke of Cumberland also desired the omission of his name, and that of the Duke of Gloucester.

Opening of Parliament.

On the 3rd February, Parliament was at length opened by commission.[1] Earl Bathurst, one of the commissioners who sat as speaker, in the absence of the chancellor, stated that the illness of his Majesty had made it necessary that a commission *in his name should pass the great seal*; and when the commission had been read, he delivered a speech to both Houses, in pursuance of the authority given by that commission, declaring the causes of summons, and calling attention to the necessity of making provision for the care of the king's person, and the administration of the royal authority.

Commission for holding the assizes.

Meanwhile, it became necessary that the usual commission should issue for holding the assizes. Although the sign-manual could not then be obtained, the urgency of the occasion was so great that Lord Thurlow, the chancellor, affixed the great seal to a commission for that purpose, by virtue of which the judges went their circuits.[2]

After all these delays, Mr. Pitt now brought the

[1] See form of Commission, Lords' Journ., xxxviii. 344.

[2] Speech of Lord Liverpool, Jan. 5th, 1811; Hans. Deb., 1st Ser., xviii. 789.

Regency Bill into the House of Commons.[1] The provisions which attracted most observation were the nomination of the queen's council, the restriction upon the creation of peers, the power of the privy council to pronounce his Majesty's restoration to health and capacity, and a clause by which the regent's authority would cease if he married a Roman Catholic. But, as the measure was not destined to pass, the lengthened debates to which it gave rise, need not be pursued any further. The bill had been sent to the Lords,—its clauses were being discussed in committee,—and politicians, in expectation of its early passing, were busily filling up the places in the prince regent's first administration,—when on the 19th February, the lord chancellor announced that his Majesty was convalescent; and further proceedings were arrested.

Regency Bill brought in.

The king's sudden recovery.

The king's recovery was now rapid: on the 25th, he was pronounced free from complaint, and, on the 27th, further bulletins were discontinued by his Majesty's own command. On the 10th March, another commission was issued, authorising 'the commissioners, who were appointed *by former letters patent to hold this Parliament*, to open and declare certain further causes for holding the same,'[2] thus recognising the validity of the previous commission, to which the great seal had been affixed in his name.[3]

[1] 5th February, 1789; *see a copy of the Regency Bill as passed* [illegible]

[illegible] pending, [illegible] Parliament, [illegible]

He thanked Parliament for its attachment to his person, and its concern for the honour of the crown, and the security of his dominions. Loyal addresses were agreed to by both Houses, *nem. con.*, as well as a message of congratulation to the queen.

The king goes to St. Paul's.

The 23rd April was appointed as a day of public thanksgiving, when the king and royal family, attended by both Houses of Parliament, the great officers of state, and foreign ambassadors, went in procession to St. Paul's. It was a solemn and affecting spectacle: a national demonstration of loyalty, and pious gratitude.

Fortunate delay in passing the Regency Bill.

Thus ended a most painful episode in the history of this reign. Had no delays been interposed in the progress of the Regency Bill, the king, on his recovery, would have found himself stripped of his royal authority. He was spared this sorrow, partly by the numerous preliminaries which the ministers had deemed necessary; and partly by the conduct of the opposition, who though most interested in the speedy passing of the bill, had contributed to its protracted consideration. By asserting the prince's right, they had provoked ministers to maintain the authority of Parliament, as a preliminary to legislation. Twice they had caused the physicians to be examined; and they discussed the bill in all its stages, in full confidence that his Majesty's recovery was hopeless.

Comments upon these proceedings.

Many of the preliminaries, indeed, would seem to have been superfluous: but the unprecedented circumstances with which ministers had to deal,—the entire want of con-

fidence between them and the Prince of Wales,—the uncertainty of the king's recovery,—the conduct of the opposition, and their relations to the prince,—together with several constitutional considerations of the utmost difficulty, contributed to the embarrassment of their position.

If it was necessary to authorise the opening of Parliament by a commission under the great seal, this course ought to have been at first adopted; for the law of Parliament does not recognise the distinction then raised, between legislative and any other proceedings. No business whatever can be commenced until the causes of summons have been declared by the crown.[1] The king having been unable to exercise this function, Parliament had proceeded with its deliberations for upwards of two months, without the accustomed speech from the throne. And if any doubt existed as to the validity of these proceedings, it is difficult to understand how they could be removed by the commission. As the king's authority could not in fact be exercised, and as the great seal, intended to represent it, was affixed by direction of the two Houses, why was the fiction needed? The only real authority was that of Parliament, which might have been boldly and openly exercised, during the incapacity of the king.

The simplest and most direct course would, undoubtedly, have been for both Houses to agree upon an address to the Prince of Wales, praying him to exercise the royal authority, subject to condi-

[1] Even the election of a speaker and the swearing of members in a new Parliament, are not commenced until the pleasure of the crown has been signified.

tions stated in the address itself: and on his acceptance of the trust, to proceed to give legal effect to these conditions by a bill,—to which the royal assent would be signified by the regent, on behalf of the crown. Either in earlier or in later times, such a course would probably have been followed. But at that period, above all others, lawyers delighted in fiction, and Westminster Hall was peopled with legal 'phantoms' of their creation.[1]

Precedent of the Revolution of 1688.

In proposing to proceed by address, the opposition relied upon the precedent of the Revolution of 1688. On the other side it was contended, and particularly by Sir John Scott, the Solicitor-General,—by whose advice the government were mainly guided,—that after the throne had been declared vacant, Parliament solicited the Prince of Orange to assume the royal powers: but here the rights of the lawful sovereign could not be passed by, and superseded.[2] His name must be used in all proceedings: his great seal affixed by the chancellor of his appointment, to every commission: and his authority recognised and represented, though his personal directions and capacity were wanting. It is obvious, however, that whatever empty forms were observed, the royal authority was, of necessity, superseded. As the throne was not vacant, no stranger was sought to fill it, and

[1] See Chap. XVIII. Lord John Russell says, 'All reasonable restrictions might have been imposed by Act of Parliament, with the royal assent given by the regent, acting on behalf of the crown.'—*Mem. of Fox*, ii. 268. He ridicules the 'absurd phantom of a royal assent given by the Houses of Parliament to their own act, by a fiction of their own creation.'

[2] Parl. Hist., xxvii. 823; Twiss's *Life of Eldon*, 192.

all parties concurred in calling upon the heir apparent to exercise his father's royal authority. The two occasions differed in regard to the persons whom Parliament, in times of nearly equal emergency, proposed to invest with the supreme power: but why a simple and direct course of proceeding was not as appropriate in the one case as in the other, we need the subtlety and formalism of the old school of lawyers to perceive.

Conduct of political parties.

As regards the conduct of political parties, it can hardly be questioned that, on the one hand, Mr. Fox and his party incautiously took up an indefensible position; while, on the other, Mr. Pitt was unduly tenacious in asserting the authority of Parliament,—which the Prince had not authorised any one to question,—and which his brother, the Duke of York, had admitted. Yet the conduct of both is easily explained by the circumstances of their respective parties. The prince had identified himself with Mr. Fox and the Whigs; and it was well known to Mr. Pitt, and offensively announced by his opponents, that the passing of the Regency Act would be the signal for his own dismissal. To assert the prince's rights, and resist all restrictions upon his authority, was the natural course for his friends to adopt; while to maintain the prerogatives of the crown,—to respect the feelings and dignity of the queen, and at the same time to vindicate the paramount authority of Parliament,—was the becoming policy of the king's minister. Mr. Pitt's view, being favourable to popular rights, was supported by the people: Mr. Fox, on the other hand, m

himself to the assertion of prerogative, and inveighed against the discretionary power of Parliament. Well might Mr. Pitt exultingly exclaim, 'I'll unwhig the gentleman for the rest of his life.'[1] The proceedings on the regency confirmed the confidence of the king in Mr. Pitt, and his distrust of Mr. Fox and his adherents; and the popular minister had a long career of power before him.

Proceedings in the Parliament of Ireland.

While these proceedings were pending, the Parliament of Ireland, adopting the views of Mr. Fox, agreed to an address to the Prince of Wales, praying him to take upon himself 'the government of this realm, during the continuance of his Majesty's present indisposition, and no longer, and under the style and title of Prince Regent of Ireland, in the name and on behalf of his Majesty, to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdictions and prerogatives to the crown and government thereof belonging.' The lord lieutenant, the Marquess of Buckingham, having refused to transmit this address, the Parliament caused it to be conveyed directly to his Royal Highness, by some of their own members; and censured the conduct of the lord lieutenant as unconstitutional.[2]

To this address the prince returned an answer, in which, after thanking the Parliament of Ireland for

[1] Adolphus's Hist., iv. 326, *n.*; Moore's Life of Sheridan, ii. 58.

[2] Debates of the Parliament of Ireland; Parl. Register of Ireland, ix. 119; Lords' Journ. (Ireland), vol vi. 240, Com. Journ. (Ireland), vol. xiii. 7. *Plowden's Hist., ii. 236–250. The speech of Mr. Grattan was peculiarly forcible and well reasoned.*

their loyalty and affection, he stated that he trusted the king would soon be able to resume the personal exercise of the royal authority, which would render unnecessary any further answer, except a repetition of his thanks.[1]

Wise foresight of the king

Soon after his recovery, the king said to Lord Thurlow, 'what has happened may happen again: for God's sake make some permanent and immediate provision for such a regency as may prevent the country from being involved in disputes and difficulties similar to those just over.' Lord Thurlow and Mr. Pitt agreed as to the expediency of such a measure: but differed as to the mode in which it should be framed. The former was soon afterwards out of office, and the latter thought no more about the matter.[2] It is indeed singular that the king's wise foresight should have been entirely neglected; and that on three subsequent occasions, embarrassments arising from the same cause should have been experienced.

The king's illness in 1801

In February, 1801, the king was again seized with an illness of the same melancholy character, as that by which he had been previously afflicted.[3] If not caused, it was at least aggravated by the excitement of an impending

[1] Hans. Deb., 1st Ser., xviii. 183

[2] Lord Malmesbury's Diary, iv. 23.

[3] Lord Malmesbury's Diary, Feb 17th, 1801: 'King got a bad cold, takes James's powder; God forbid he should be ill!' Feb. 19th 'This the first symptom of the king's serious illness.' Malm. Corr., iv. 11, 13 Feb. 22nd: 'King much worse. Dr J. Willis attended him all last night, and says he was in the height of a phrenzy-fever, as bad as the worst period when he saw him in 1788.'—*Ibid.*, 16; Evid. of Dr. Reynolds, 1810. *Hans Deb.*, xviii 134.

change of ministry,[1] in consequence of his difference of opinion with Mr. Pitt on the Catholic question.[2]

Ministerial changes.

This illness, though not involving constitutional difficulties so important as those of 1788, occurred at a moment of no small political embarrassment. Mr. Pitt had tendered his resignation; and was holding office only until the appointment of his successor. Mr. Speaker Addington, having received the king's commands to form an administration, had already resigned the chair of the House of Commons. The arrangements for a new ministry were in progress, when they were interrupted by the king's indisposition. But believing it to be nothing more than a severe cold, Mr. Addington did not think fit to wait for his formal appointment; and vacated his seat, on the 19th February, by accepting the Chiltern Hundreds, in order to expedite his return to his place in Parliament. In the meantime Mr. Pitt, who had resigned office, not only continued to discharge the customary official duties of chancellor of the Exchequer,[3] but on the 18th February, brought forward the annual budget,[4] which included a loan of 25,500,000*l.*, and new taxes to the amount of 1,750,000*l.*[5]

Mr. Addington had fully expected that his formal

[1] Lord Holland's Mem., i. 176. He had been chilled by remaining very long in church on the Fast Day, Friday, Feb. 13, and on his return home was seized with cramps.—*Malmesbury Corr.*, iv. 28.

[2] See *supra*, p. 93, *et seq.*, and *infra*, Chap. XII.

[3] Malmesbury Corr., xiv. 28.

[4] Parl. Hist., xxxv. 972.

[5] It seems that he spoke from the third bench, on the right hand of the chair.—*Mr. Abbot's Diary; Life of Lord Sidmouth*, i. 315, n.

appointment as first lord of the Treasury and chancellor of the Exchequer would have been completed before his re-election: but this was prevented by the king's illness; and as his election could not legally be postponed, he took his seat again on the 27th,—not as a minister of the crown, but as a private member.

On the 22nd, the king's condition was as critical as at the worst period of his attack in 1788.[1] Towards the evening of the following day he came to himself, and indicated the causes of disturbance which were pressing on his mind, by exclaiming: 'I am better now, but I will remain true to the church;'[2] and afterwards, 'the king's mind, whenever he came to himself, reverted at once to the cause of his disquietude.'[3] At the beginning of March his fever increased again, and for a time his life was despaired of:[4] but about the 5th, a favourable turn took place; and though not allowed to engage in any business, he was from *this* time gradually recovering.[5] On the 10th, he wrote a letter approving of a minute of the cabinet; and on the 11th he saw Mr. Addington and the chancellor, when he was pronounced,—somewhat prematurely,—to be quite well.[6]

On the 24th February, the bill for repealing the brown bread Act of the previous session was awaiting the royal assent; and it was thought very desirable that no delay should occur. Mr. Addington declined

[1] Malmesbury Corr., iv. 16; Lord Colchester's Diary, i. 242; Cornwallis Corr., iii. 341.

[2] Malmesbury Corr., iv. 20. [3] *Ibid.*, 28. [4] *Ibid.*, iv. 27.

[5] *Ibid.*, 30-33, *et seq.*; Lord Colchester's Diary, i. 245-249.

[6] Malmesbury Corr., iv. 44; Lord Sidmouth's Life, i. 350; Lord Colchester's Diary, 253.

presenting the commission for his Majesty's signature; but the chancellor, Lord Loughborough, waited upon the king, who signed the commission, saying it was a very good bill.[1]

Meanwhile, who was minister—Mr. Pitt or Mr. Addington? or neither? Both were in communication with the Prince of Wales on the probable necessity of a regency: both were in official intercourse with the king himself.[2] The embarrassment of such a position was relieved by the forbearance of all parties, in both Houses of Parliament; and at length, on the 14th March, the king was sufficiently recovered to receive the seals from Mr. Pitt, and to place them in the hands of Mr. Addington. This acceptance of office, however, again vacated his seat, which he was unable to resume as a minister of the crown, until the 23rd March. The king was still for some time obliged to abstain from unnecessary exertion. On the 15th April, he transferred the great seal from Lord Loughborough to Lord Eldon; but though several other things were required to be done, the ministers were unanimous that he should only perform this single act on that day.[3]

But even after the king had transacted business, and his recovery had been formally announced, his health continued to cause great anxiety to his family and ministers. Apprehensions were entertained lest

[1] Life of Lord Sidmouth, i. 308; Malmesbury Corr., iv. 17, 18; Lord Holland's Mem., i. 177; Lord Colchester's Diary, i. 245, 249. It appears, however, that the Chancellor did not himself see the king, but sent in the commission by Dr. Willis. Fox Mem., iii. 306; Rose's Corr., i. 315; Lord Stanhope's Life of Pitt, iii. 293.

[2] Life of Lord Sidmouth, i. 348, 350; Malmesb. Corr., iv. 25, &c.

[3] Life of Lord Sidmouth, i. 401.

'his intellectual faculties should be impaired so much as never to recover their former tone.'[1] Writing in August, 1801, Mr. T. Grenville says: 'The king has seen the chancellor for two hours, and the ministers give out that the king will hold a council in a day or two at farthest.'[2]

On this occasion his Majesty's illness, however alarming, passed over without any serious hindrance to public business. It occurred while Parliament was sitting, and at a time when the personal exercise of the royal authority was not urgently required, except for the purposes already noticed. The constitutional questions, therefore, which had been so fully argued in 1788,—though gravely considered by those more immediately concerned,—did not come again under discussion.[3] It must be admitted that the king's speedy recovery affords some justification of the dilatory proceedings adopted regarding the regency, in 1788. Too prompt a measure for supplying the defect of the royal authority, would, on the king's recovery, have been alike embarrassing to his Majesty himself, the ministers, and Parliament.

In 1804, the king was once more stricken with the same grievous malady. In January, he was attacked with rheumatic gout, and about The king's illness in 1804.

[1] Malmesbury Corr, 20th March; iv 51

[2] Court and Cabinets of Geo. III, iii 167

[3] It was suggested that both parties, who had opposed each other so violently in 1788 upon the question of a regency, should now make mutual concessions, and, if possible, avoid the discussion of their conflicting opinions In this view, it seems, Lord Spencer, the Duke of Portland, Mr T. Grenville, and Mr. T. Pelham concurred but Mr Pitt appears not to have entirely acquiesced in it.—*Malmesbury Corr*, iv. 19. Lord Stanhope's Life of Pitt, iii 295

the 12th February, his mind became affected.[1] He gradually recovered, however, towards the end of the month.[2] On the 26th, the archbishop offered a thanksgiving for the happy prospect of his Majesty's speedy recovery; and on the same day, the physicians issued a bulletin, announcing that any *rapid amendment* was not to be expected.[3] Henceforth his malady continued, with more or less severity, so as to make it requisite to spare him all unnecessary exertion of mind, till the 23rd April, when he presided at a council. He remained under medical care and control until the 10th June.[4] For a time his life was in danger; but his mind was never so completely alienated as it had been in 1788 and 1801.[5]

Meanwhile, the ordinary business of the session was proceeded with. On the 27th February, the king's illness was adverted to in the House of Commons; but ministers were of opinion that a formal communication to the House upon the subject was not required, and could secure no good object. Mr. Addington stated that there was not, at that time, any necessary suspension of such royal functions as

[1] Lord Malmesbury says, although 'there was a council held about the 24th January at the queen's house, yet before the end of that month it was no longer to be concealed that the king *had a return of* his old illness.'—*Corr.*, iv. 292. But it appears that the king's reason was not affected until about the 12th of February.—*Pellew's Life of Lord Sidmouth*, ii. 246; Lord Colchester's Diary, i. 479.

[2] Pellew's Life of Lord Sidmouth, ii. 249, *et seq.*; Lord Colchester's Diary, i. 481–484.

[3] Pellew's Life of Lord Sidmouth, ii. 250; Lord Colchester's Diary, i. 483.

[4] Evidence of Dr. Heberden, 1810. He had otherwise been indisposed for a month previously, with symptoms of his old malady: Malmesbury Corr., iv. 292; Fox's Mem., iv. 24, 35, 37; Lord Colchester's Diary, i. 517.

[5] Malmesbury Corr., iv. 293.

it might be needful for his Majesty to discharge.[1] That very day the cabinet had examined the king's physicians, who were unanimously of opinion that his Majesty was perfectly competent to understand the effect of an instrument to which his sign-manual was required: but that it would be imprudent for him to engage in long argument, or fatiguing discussion.[2] The delicate and responsible position of the ministers, however, was admitted. The king having already been ill for a fortnight,—how much longer might they exercise all the executive powers of the state, without calling in aid the authority of Parliament? At present they accepted the responsibility of declaring that the interference of Parliament was unnecessary. On the 1st March, similar assurances were given by Lord Hawkesbury in the House of Lords: the lord chancellor also declared that, at that moment, there was no suspension of the royal functions.

On the 2nd March, the matter was again brought forward by Mr. Grey, but elicited no further explanation.[3] On the 5th, the lord chancellor stated that he had had interviews, on that and the previous day, with the king, who gave his consent to the Duke of York's Estate Bill, so far as his own interest was concerned; and on the same day the physicians were of opinion 'that his Majesty was fully competent to transact business with his Parliament, by commission and message.'[4] On the 9th, Mr. Grey adverted to

[1] Hans. Deb., 1st Ser., i. 307, 526, 530. See also Stanhope's Life of Pitt, iv. 119–126

[2] Twiss's Life of Eldon, i. 421; Lord Colchester's Diary, i. 463.

[3] Hans. Deb., 1st Ser., i. 663.

[4] Twiss's Life of Eldon, i. 422.

the fact that fifteen bills had just received the royal assent,—a circumstance which he regarded with 'uneasiness and apprehension.'[1] Among these bills were the annual Mutiny Acts, the passing of which, in the midst of war, could not have been safely postponed. On this day also, the lord chancellor assured the House of Lords, 'that not satisfied with the reports and assurances of the medical attendants, he had thought it right to obtain a personal interview with the sovereign, and that at that interview due discussion had taken place as to the bills offered for the royal assent, which had thereupon been fully expressed.' In reference to this interview, Lord Eldon states in his anecdote book, that the king had noticed that he was stated in the commission to have fully considered the bills to which his assent was to be signified; and that to be correct, he ought to have the bills to peruse and consider. His Majesty added, that in the early part of his reign he had always had the bills themselves until Lord Thurlow ceased to bring them, saying: 'it was nonsense his giving himself the trouble to read them.' If there was somewhat of the perverse acuteness of insanity in these remarks there was yet sufficient self-possession in the royal mind, to satisfy Lord Eldon that he was justified in taking the sign-manual.[2] On the [illegible] March, seventeen other bills received the royal assent; and on the 26th March, a message from the King, signed by him, was brought to the House of Commons by Mr. Addington; [illegible]

[illegible]

was made concerning his Majesty's health. There is little doubt that his Majesty, though for some months afterwards strange and disordered in his family circle, was not incapacitated from attending to necessary business with his ministers.[1] The opposition, however, and particularly the Carlton House party, were disposed to make the most of the king's illness, and were confidently expecting a regency.[2]

Before his Majesty had been restored to his accustomed health, the fall of his favourite minister, Mr. Addington, was impending; and the king was engaged in negotiations with the chancellor and Mr. Pitt, for the formation of another administration.[3] To confer with his Majesty upon questions so formal as his assent to the Mutiny Bills, had been a matter of delicacy: but to discuss with him so important a measure as the reconstruction of a ministry, in a time of war and public danger, was indeed embarrassing. Mr. Pitt's correspondence discloses his misgivings as to the state

Change of ministry before the king's recovery.

[1] [illegible]

[illegible] 515, 516

[2] Lord Colchester's Diary, i. 502–505; Twiss's Life of Lord Eldon, i. 442; Rose's Corr., ii. 113. The chancellor's conduct, on this occasion, in negotiating for Mr. Pitt's return to office, without the knowledge of Mr. Add[illegible]
him to the [illegible]
Statesmen [illegible]
Lord Camp[illegible]
Colchester[illegible]
mission [illegible]
the consent [illegible]
III., iii. 34[illegible]
of Pitt, iv. 191–196, and App[illegible]

of the king's mind.[1] But on the 7th May, he was with him for three hours, and was amazed at the cool and collected manner in which his Majesty had carried on the conversation.[2] It was probably from this interview that Lord Eldon relates Mr. Pitt to have come out 'not only satisfied, but much surprised with the king's ability. He said he had never so baffled him in any conversation he had had with him in his life.'[3] Yet, on the 9th May, after another interview, Mr. Pitt wrote to the chancellor: 'I do not think there was anything positively wrong: but there was a hurry of spirits and an excessive love of talking.' . . . . 'There is certainly nothing in what I have observed that would, in the smallest degree, justify postponing any other steps that are in progress towards arrangement.' Nor did these continued misgivings prevent the ministerial arrangements from being completed, some time before the king was entirely relieved from the care of his medical attendants.

Imputations upon the conduct of ministers.

The conduct of the government, and especially of the lord chancellor, in allowing the royal functions to be exercised during this period, were several years afterwards severely impugned. In 1811, Lord Grey had not forgotten the suspicions he had expressed in 1804; and in examining the king's physicians, he elicited, especially from Dr. Heberden, several circumstances, previously u

[1] Letters to Lord Eldon, April 22, May 8; Lord Campbell's Li vii. 169, 173.

[2] Malmesbury Corr., iv. 306. See also Lord Colchester's D May 2nd and 8th, 1804, i. 502, 507.

[3] Twiss's Life, i. 449.

known, relative to the king's former illnesses. On the 28th January, fortified by this evidence, he arraigned the lord chancellor of conduct 'little short of high treason,'—of 'treason against the constitution and the country.' He particularly relied *upon the fact*, *that on* the 9th March, 1804, the chancellor had affixed the great seal to a commission for giving the royal assent to fifteen bills; and accused the ministers of that day of 'having culpably made use of the king's name without the king's sanction, and criminally exercised the royal functions, when the sovereign was under a moral incapacity to authorise such a proceeding.'[1] Lord Sidmouth and Lord Eldon, the ministers whose conduct was mainly impugned, defended themselves from these imputations, and expressed their astonishment at Dr. Heberden's evidence, which, they said, was at variance with the opinions of all the physicians,—including Dr. Heberden himself,—expressed in 1804, while in attendance upon the king. They stated that his new version of his Majesty's former illness had surprised the queen, not less than the ministers. And it is quite clear, from other evidence, that Dr. Heberden's account of the duration and continuous character of the king's malady, was inaccurate.[2] Lord Eldon, oddly enough, affirmed, that on the 9th of March, the king understood the duty which the chancellor had to perform, better than he did himself. This he believed he could prove. A motion was made by Lord King, for omitting Lord Eldon's

[1] Hans Debates, 1st Ser., xviii. 1051.
[2] *Supra*, p. 199.

name from the Queen's Council of Regency; and its rejection was the cause of a protest, signed by nine peers,—including Lords Grey, Holland, Lauderdale, and Erskine,—in which they affirmed his unfitness for that office, on the ground that he had improperly used the king's name and authority, during his incapacity in 1804.[1] In the House of Commons, Mr. Whitbread made a similar charge against his lordship; and the lord chancellor complained,—not without reason,—that he had been hardly dealt with by his enemies, and feebly defended by his friends.[2]

Necessity of a Regency Act canvassed.

In 1804, the propriety of passing a regency bill, to provide for any future illness of the king, was once more the subject of grave consideration among the statesmen of the period;[3] but,—as in 1789, so now again,—no sooner did the king recover, than all further care seems to have been cast aside. Six years later this want of foresight again led to serious embarrassment.

King's illness in 1810.

The king's last mental disorder commenced in the autumn of 1810. His kingly career was to close for ever. Bereft of reason and nearly blind, the poor old king,—who had ruled fo fifty years with so high a hand, and so strong a wil —was now tended by physicians, and controlled b keepers. His constitutional infirmity, aggravat by political anxieties and domestic distresses, h overcome him; and he was too far advanced

1 Hans. Deb., 1st Ser., xviii. 1031–1087.

2 Hans. Deb., 1st Ser., xix. 87; Lord Sidmouth's Life, iii. Twiss's Life of Eldon, ii. 151–161.

... Corr., iv. 315.

years to rally again. It was a mournful spectacle. Like King Lear, he was

> 'A poor old man,
> 'As full of grief as age wretched in both.

But as physicians will dispute at the bedside of the dying patient,—so the hopes and fears of rival parties, and the rude collisions of political strife, were aroused into activity by the sufferings of the king. The contentions of 1788 were revived, though the leaders of that age had passed away.

Parliament stood prorogued to the 1st November, and a proclamation had appeared in the 'Gazette,' declaring the king's pleasure that it should be further prorogued by commission to the 29th. But before this commission could be signed, his Majesty became so ill that the lord chancellor, unable to obtain his signature, did not feel justified in affixing the great seal; and in this view of his duty, statesmen of all parties concurred.[1] Following the precedent of 1788, both Houses met on the 1st November; and on being informed of the circumstances under which they were assembled,[2] adjourned

Meeting of Parliament.

[1] Lord Colchester's Diary, ii. 280. Lord Campbell, however, says, 'It would have been but a small liberty to have passed this commission, for there had been an order made at a council, at which the king presided, to prorogue Parliament from the 1st to the 29th November, and to prepare a commission for this purpose.'—*Lives of* [illegible]

[illegible]

the chair, he acquainted the House that he had issued a new writ during the recess See also Lord Colchester's Diary, ii. 282, *et seq.*

until the 15th,—fourteen days being the shortest period within which Parliament may, by law, be summoned for despatch of business. Circular letters were directed to be sent, summoning the members of both Houses to attend on that day. Strong hopes had been entertained by the physicians, of his Majesty's speedy recovery; and in the interval they were confirmed. Both Houses, therefore, on these representations being made, again adjourned for a

Nov. 29. fortnight. Before their next meeting, the king's physicians were examined by the privy council; and as they were still confident of his Majesty's recovery, a further adjournment for a fortnight was agreed upon,—though not without objections to so long an interruption of business, and a division in both Houses.

No longer delay could now be suggested; and at

Dec. 13. the next meeting, a committee of twenty-one members was appointed in both Houses, for the examination of the king's physicians. They still entertained hopes of his Majesty's ultimate recovery, in spite of his age and blindness; but could not form any opinion as to the probable duration of his illness.

Continuing to follow generally the precedent of

Precedent of 1788 followed. 1788, ministers proposed, on the 20th December, in a committee on the state of the nation, three resolutions,—affirming the king's incapacity,—the right and duty of the two Houses to provide for this exigency,—and the necessity of determining by what means the royal assent should be signified to a bill for that purpose.

Again the question of proceeding by bill, or by address was argued. The proceedings of 1788 were exposed to a searching criticism; and all the precedents of constitutional history, presenting any analogy to the present circumstances, learnedly investigated. The expedients which had delighted Lord Eldon in his early career, found little favour with the more philosophic lawyers of a later school. Sir S. Romilly regarded them 'in no other light but as a fraudulent trick,' and asked what would be said of 'a set of men joining together, and making a contract for another in a state of insanity, and employing a person as his solicitor, to affix his seal or his signature to such a deed?'

Discussions upon that precedent

Considering the recency and complete application of the precedent of 1788, it is not surprising that both ministers and Parliament should have agreed to follow it, instead of adopting a more simple course: but to minds of the present age, the arguments of those who contended for an address, and against the 'phantom,' will appear the more conclusive. The royal authority was wanting, and could be supplied by Parliament alone. So far all were agreed: but those who argued for proceeding by means of a bill, accepted a notoriously fictitious use of the king's name, as an equivalent for his real authority; while those who supported a direct address, desired that Parliament,—openly recognising the king's inability to exercise his royal authority,—should, from the necessity of the case, proceed to act without it. Of all the speeches against proceeding by way of bill, the most learned, able, and argu-

mentative, was that of Mr. Francis Horner.[1] Comparing the proceedings of 1788, with those of the Revolution of 1688, he said: 'It is impossible not to contrast the virtuous forbearance of all parties at the Revolution, in concurring to provide for the public interests, with the struggle that was made for power in the other instance; and, above all, to contrast the studied delays by which power was then so factiously retained, with the despatch with which our ancestors finished, in one short month, their task of establishing at once the succession to the crown, reducing its prerogatives within limitations by law, and founding the whole structure of our civil and religious liberties.'[2]

Political causes of delay.

But independently of precedents and legal forms, the ministers expecting, like their predecessors in 1788, to be dismissed by the regent, were not disposed to simplify the preliminary proceedings, and accelerate their own fall; while the opposition, impatient for office, objected to elaborate preliminaries,—as much, perhaps, for the delays which they occasioned, as for their hollow subtlety and uselessness.

Resolutions agreed to Dec. 22.

The resolutions were agreed to, and communicated to the Lords, at a conference. There an amendment was moved by Lord Holland, to the third resolution, by which an address to the Prince of Wales was proposed to be substituted for the proceeding by bill, inviting the prince to take upon himself the exercise of the powers and authorities of the crown, but to abstain from the

1 Hans. Deb., 1st Ser., xviii. 299. 2 *Ibid.*, 306.

exercise of such powers as the immediate exigencies of the state shall not call into action, until Parliament had passed a bill for the future care of his Majesty's person, and securing the resumption of his authority.[1] The Dukes of York and Sussex spoke in favour of this amendment, and all the seven dukes of the blood royal voted for it:[2] but the resolution was carried by a majority of twenty-six. The royal dukes also signed protests against the rejection of the amendment, and against the third resolution.[3] The chancellor differed widely from the royal dukes, declaring that an address from the two Houses to the Prince of Wales, praying him to exercise the royal prerogatives during the king's life, would be treasonable.[4]

The next step was to propose, in committee on the state of the nation, resolutions to the effect that the Prince of Wales should be empowered, as regent of the kingdom, to exercise the royal authority, in the name and on behalf of his Majesty, subject to such limitations as shall be provided: that for a limited time the regent should not be able to grant any peerage, except for some singular naval or military achievement:[5] nor grant any office in reversion: nor any office otherwise than during pleasure, except such offices as are required by law to be granted for life or during good behaviour: that his Majesty's private property, not already vested in

[1] Hans. Deb., 1st Ser., xviii 413. Life and Opinions of Earl Grey, 255-266.
[2] York, Clarence, Kent, Cumberland, Sussex, Cambridge, and Gloucester.
[3] Hans. Deb., 1st Ser., xviii 471. [4] *Ibid.*, 459, 713.
[5] This exception was subsequently omitted.

trustees, should be vested in trustees for the benefit of his Majesty: that the care of the king's person should be committed to the queen, who, for a limited time, should have power to appoint and remove members of the royal household; and that her Majesty should have a council, with power to examine the king's physicians, upon oath, from time to time. It was explained, at the same time, that twelve months would be the period to which the proposed limitations upon the regent's authority would extend.

Four of these resolutions were agreed to in the Commons by small majorities, and not without strong arguments against any restrictions upon the authority of the regent. The fifth was amended on a motion of Earl Gower, in such a manner as to leave the queen merely 'such direction of the *household as may be suitable for the care of his* Majesty's person, and the maintenance of the royal dignity.'

The resolutions were communicated to the Lords at a conference. There, on the motion of the Marquess of Lansdowne, the first resolution was amended by the omission of the last words, viz., 'subject to such limitations and restrictions as shall be provided'[1]—thus appointing the regent generally, without restrictions upon his authority. But as the two next resolutions, imposing limitations upon the grant of peerages, places and pensions, were immediately afterwards agreed to, the words were restored to the first resolution. And thus the restrictions proposed

[1] By a majority of 3.

by the Commons were ultimately agreed to without alteration.

The next step, as in 1789, was to lay these resolutions before the Prince of Wales, and to beg him to accept the trust, subject to the proposed restrictions; and in reply, he signified his acceptance of the regency.[1] The queen was also attended in regard to the direction of the royal household.

Resolutions laid before the prince

Again, it was resolved by both Houses that a commission should issue under the great seal for opening Parliament; but warned by the precedent of 1788, ministers had taken the precaution of consulting the royal dukes, and by their desire omitted their names from the commission. On the 15th January, Parliament was opened by virtue of this commission; and the Regency Bill was brought in by the Chancellor of the Exchequer, on the same day. The bill, though still the subject of much discussion, was rapidly passed through both Houses, with some few amendments. Resolutions were agreed to by both Houses, authorising the issue of letters patent under the great seal, for giving the royal assent by commission; and on the 5th February, the bill received the royal assent by virtue of that commission.

Commission for opening Parliament

The Regency Bill passed.

It is worthy of note, that both this commission and that for opening Parliament, deviated materially from the usual form of such commissions, and instead of being issued by the advice of the privy council, it was expressed thus: 'by the

Form of the commission

[1] See *supra*, p. 121.

king himself, by and with the advice of the Lords spiritual and temporal, and Commons in Parliament assembled.'

Issue of public money.

During these proceedings, an unexpected difficulty had arisen. Certain sums of money had already been granted, and appropriated by Parliament, for the service of the army and navy: but in consequence of the king's incapacity, the usual warrants, under the privy seal, could not be prepared, directing issues to be made from the Exchequer, for such services. The Lord Keeper of the privy seal was willing to take upon himself the responsibility of affixing the seal to such a warrant,[1] although by the terms of his oath he was restrained from using it 'without the king's special command;'[2] but the deputy clerks of the privy seal held thenselves precluded by their oaths of office, from preparing letters to pass the privy seal, until a warrant had been signed by the king himself, for that purpose. The necessities of the public service were urgent; and the Treasury, unable to obtain the money according to the usual official routine, prepared two warrants addressed to the auditor of the Exchequer, directing him to draw one order on the Bank of England for 500,000*l.*, on account of the army, and another to the same amount, for the navy. The auditor, Lord Grenville, doubting the authority of these warrants, desired that the law officers of the crown should be consulted. It was their opinion that the Treasury warrants were not a sufficient

Difficulties raised by Lord Grenville.

[1] Speech of Mr. Perceval, 4th Jan., and of Lord Westmorland, 5th Jan., 1811.—*Hans. Deb.*, 1st Ser., xviii. 759, 798.

[2] Speech of Earl Spencer, 5th Jan., 1811.—*Hans. Deb.*, 1st Ser. xviii. 797.

authority for the auditor, who accordingly refused to issue the money; and although the Treasury expressly assumed the entire responsibility of the issue, he persisted in his refusal.

It was now necessary to resort to Parliament to supply the defect of authority which had been discovered; and on the 4th of January the chancellor of the Exchequer moved a resolution in committee of the whole House, by which the auditor and officers of the Exchequer were 'authorised and commanded' to pay obedience to Treasury warrants for the issue of such sums as had been appropriated for the services of the army and navy, as well as money issuable under a vote of credit for 3,000,000*l.* To this resolution it was objected, that it involved a further assumption of the executive powers of the crown, and was only rendered necessary by the unreasonable delays which ministers had interposed, in providing for the exercise of the royal authority: but the immediate necessity of the occasion could not be denied; and the resolution was agreed to by both Houses. A protest, however, was entered in the Lords' Journal, signed by twenty-one peers, including six royal dukes, which affirmed that the principle of the resolution would justify the assumption of all the executive powers of the crown, during any suspension of the personal exercise of the royal authority; and that this unconstitutional measure might have been avoided without injury to the public service, by an address to the Prince of Wales.[1]

Resolution of both Houses directing the issue of money

[1] Hans Deb., 1st Ser., xviii. 801; Twiss's Life of Eldon, ii. 140.

The Royal Sign Manual Bill, 1830.

Happily there has been no recurrence of circumstances similar to those of 1788 and 1811: but Parliament has since had occasion to provide for the exercise of the royal authority, under other contingencies. From an early period in the reign of George IV., his Majesty's health had excited apprehensions.[1] In 1826, his life was said not to be worth a month's purchase;[2] but it was not until within a few weeks of his death, that he suffered from any incapacity to exercise his royal functions. In 1830, during the last illness of the king, his Majesty found it inconvenient and painful to subscribe with his own hand, the public instruments which required the sign-manual; and accordingly, on the 24th of May, a message was sent to both Houses, desiring that provision should be made for the temporary discharge of this duty.[3] The message was acknowledged by suitable addresses; and a bill was passed rapidly through both Houses, enabling his Majesty to empower by warrant or commission, under his sign-manual, one or more persons to affix, in his presence, and by his command, signified by word of mouth, the royal signature by means of a stamp. In order to prevent the possibility of any abuse of this power, it was provided that the stamp should not be

[1] Lord Sidmouth's Life, iii. 309; Court and Cabinets of Geo. IV., i. 313, 336, 447; *Ibid.*, ii. 67, 217. Sir William Knighton's Mem., 88, &c. So far back as 1812 the Prince had been afraid of paralysis, *Lord Colchester's Diary*, ii. 354. In Sept. 1816, he was dangerously ill at Hampton Court, his death being hourly expected. *Ibid.*, ii. 581; *Ibid.*, iii. 112, 115, 116, 272, 298.

[2] Mr. Plumer Ward to Duke of Buckingham, April 21, 1826. Court and Cabinets of George IV., ii. 297; *Ibid.*, 300, 301. Lord Colchester's Diary, iii. 420.

[3] Hans. Deb., 2nd Ser., xxiv. 986, 1001.

affixed to any instrument, unless a memorandum describing its object had been indorsed upon it, signed by the Lord Chancellor, the President of the Council, the Lord Privy Seal, the First Lord of the Treasury, and the Secretaries of State, or any three of them. The seal was directed to be kept in the custody of one of these officers, and when used, was required to be attested by one or more of them.

Precedents on which founded

The course thus adopted was not without precedent. Henry VIII. had issued a patent, authorising the Archbishop of Canterbury, the Lord Chancellor, and other persons to apply a stamp, bearing the impress of the royal signature, to warrants for the payment of money out of the royal treasury; and had also issued several proclamations and other instruments, on which his sign-manual had been impressed by means of a stamp. His signature to the commission for signifying the royal assent to the bill for the attainder of the Duke of Norfolk had been given by means of a stamp, affixed,—not by his own hand, but by that of a clerk,—and was on that account declared by Parliament to be invalid. Edward VI. had issued two proclamations, to which his signature was affixed by means of a stamp. Queen Mary had issued a proclamation, in the same form, calling for aid to suppress the insurrection of Sir Thomas Wyatt. The same queen had issued a patent, in 1558, stating that in consequence of the great labour which she sustained in the government and defence of the kingdom, she was unable without much danger and

[illegible] warrants, and [illegible] ; empowering [illegible] in her presence; and [illegible] should be [illegible] signed with the hand [illegible] King William III., [illegible] no longer able to [illegible] commission, [illegible] Lord Keeper and the clerks of [illegible] the royal assent was [illegible] Bill of Abjuration, and the Malt [illegible]

[illegible] precedent,—which [illegible] of England [illegible] authority, to [illegible] right of affixing their sign- [illegible] by ministers, and by [illegible] a right could not [illegible] by the sanction of [illegible] readily given in this [illegible] warnings that as [illegible] was merely phy- [illegible] should not here- [illegible] precedent, if the mind of any [illegible] affected. In such an [illegible] of affixing the royal sign-manual to instruments, would invest the ministers of the day with all the authority of the crown. On more than one occasion, during the late reign, such a power might have been liable to abuse; and it would not again be conferred upon ministers, if there should

be any doubt as to the mental capacity of the sovereign.[1]

Question of a regency on the accession of William IV.

When William IV. succeeded to the throne, he was nearly sixty-five years of age, and his heiresspresumptive was a princess of eleven. It was, therefore, necessary to provide for a regency; but ministers were of opinion that they might safely defer this measure until after the assembling of a new Parliament. Even this brief delay was represented as hazardous. It was said that if the king should die suddenly, the crown would devolve upon an infant princess,—subject, perhaps, to the claims of a posthumous child of his Majesty. This risk, however, the ministers were prepared to encounter. The law did not recognise the incapacity of an infant king; and, in the event of a sudden demise of the crown before a regent had been appointed, the infant sovereign would be able to give her assent to an act of Parliament, appointing a guardian for herself, and a regent for the kingdom. Henry III., Richard II., and Henry VI., had succeeded to the throne, without any previous parliamentary provision for a regency; and after their accession, Parliament appointed persons to govern the kingdom during their minority.

The lord chancellor said: 'On the accession of an infant to the throne, the same course would be adopted as if the sovereign were of mature years: a declaration, similar to that which many of their lord-

[1] 11 Geo IV and 1 Will IV. c 23, Hans Deb., 2nd Ser, xxiv. 986, 1062, 1132, 1148, 1193; Rymer's Fœdera, x. 261; Cotton, 564; Burnet's Own Time, iv 559; Hume's Hist., ii. 328; Smollett's Hist., i 441.

[illegible] to exercise [illegible] the government of a sovereign, than [illegible] III. [illegible] the royal assent was given, in [illegible] Regency Bill, by a phantom commission. [illegible] had struck a blow at [illegible] Parliament could make [illegible] a king: it had exhibited the crown as [illegible] a mere fiction of authority: and to [illegible] of crown to assent to another act [illegible] would be a dangerous repetition of that [illegible]. But there are other dangers which ought [illegible]. It was easy, before the demise of the

[illegible]

crown, to nominate a regent who might never be called upon to exercise his power; but to appoint a regent,—possibly from among many claimants,—who would at once assume all the authority of the crown, might be difficult and embarrassing. Still greater would be the embarrassment, if the right of succession should be rendered doubtful, by the prospective claims of an unborn child. An attempt was made, in the Commons, to represent to the king the importance of making immediate provision for a regency: but ministers successfully resisted it; and the question was reserved for the consideration of the new Parliament.[1]

The Regency Bill, 1830-1831.

Happily, these dreaded evils were not encountered; and on the meeting of the new Parliament, a well-considered Regency Bill was introduced. By this bill the Duchess of Kent was appointed sole regent, until her Majesty should attain the age of eighteen. Departing from former precedents, it was not proposed that the regent should be controlled by a council. It was said that a regent, for the maintenance of the royal authority, needed the free exercise of the prerogatives of the crown, even more than a king himself. Cases might, indeed, arise in which it would be necessary to control the ambition and influence of a regent, by such a council: but here the regent could never succeed to the throne: her interests were identified with those of the future sovereign, to whom she was united by the tenderest ties; and she could have no object but to uphold, in good faith, the authority of the infant

[1] Hans Deb., 2nd Ser., xxv. 771–828

queen. Her Royal Highness would, therefore, be left to administer the government of the country, by means of the responsible ministers of the crown, and to act upon their advice alone.

Another question of great constitutional delicacy was also wisely dealt with. No precedent was to be found, since the Norman conquest, of any provision having been made for the exercise of the royal prerogatives, between the demise of the crown, and the birth of a posthumous child. The law upon this important question was not settled: but reasoning from the analogy of the law of real property, as well as according to the dictates of common sense, it was clear that an unborn child could not be seised of the crown. There could be no abeyance or vacancy of the crown. The king never dies. The crown must, therefore, devolve at once upon the heir presumptive; and be resigned, if a child should be born, entitled to inherit it. If Parliament interposed, and appointed a regent to administer the government until the birth of a posthumous child, such a regent would not be governing in the name and on behalf of the sovereign, but would be a parliamentary sovereign, created for the occasion, under the title of regent. And, in the meantime, if no child should be born, the heir presumptive would have been unlawfully deprived of her right to the throne. Upon these sound principles the regency was now to be established. If the king should die during the minority of the Princess Victoria, she was to be proclaimed queen, subject to the rights of any issue of his Majesty, which might afterwards be born of his

consort. The Duchess of Kent would at once assume the regency in the name of the infant queen, and on her behalf; and should a posthumous child be born, her Majesty Queen Adelaide would forthwith assume the regency, on behalf of her own child. These principles were accepted by statesmen and lawyers of every party; and the Regency Bill, which had been prepared by the government of the Duke of Wellington, was adopted and passed by the government of Lord Grey.[1] It was a wise provision for contingencies, which fortunately never arose. When King William IV. died, in 1837, after a short but eventful reign, her most gracious Majesty had, less than a month before, completed her eighteenth year; and ascended the throne, surrounded by happy auguries, which have since been fully accomplished.

First Regency Act of Queen Victoria.

On the accession of her Majesty, the King of Hanover became heir presumptive to the throne; and as he would probably be resident abroad, it was thought necessary to provide that, in the event of her Majesty's decease, while her successor was out of the realm, the administration of the government should be carried on in his name by lords justices, until his arrival.[2] But the queen's marriage, in 1840, required provision to be made for another contingency, which, though more probable, has, happily not arisen. Following the precedent of 1831, Parliament now provided, that in the event of any child of her Majesty succeeding to the throne before the

Second Regency Act, 1840.

[1] Act 1 Will IV. c 2; Hans Deb, 3rd Ser., i 499, 764, 934, &c
[2] 7 Will. IV. and 1 Vict. c. 72.

age of eighteen, Prince Albert, as the surviving parent, should be regent, without any council of regency, or any limitation upon the exercise of the royal prerogative,—except an incapacity to assent to any bill for altering the succession to the throne, or affecting the uniformity of worship in the Church of England, or the rights of the Church of Scotland. And, founded upon these principles, the bill was passed with the approval of all parties.[1]

[1] 3 & 4 Vict. c. 52.; Hans. Deb., 3rd Ser., lv. 754, 829, 1074.

CHAPTER IV.

ANCIENT REVENUES OF THE CROWN — CIVIL LIST OF WILLIAM AND MARY: — CIVIL LIST OF QUEEN ANNE, OF GEORGE I AND GEORGE II. — CIVIL LIST, EXPENDITURE, AND DEBTS OF GEORGE III. — CIVIL LIST OF THE REGENCY, AND OF THE REIGNS OF GEORGE IV, WILLIAM IV, AND HER MAJESTY —DUCHIES OF LANCASTER AND CORNWALL.—PRIVATE PROPERTY OF THE CROWN —PROVISION FOR THE ROYAL FAMILY —MANAGEMENT OF THE LAND REVENUES, ON BEHALF OF THE PUBLIC. — CIVIL LIST PENSIONS. — PREROGATIVES OF THE CROWN, IN RELATION TO THE ROYAL FAMILY

Vast possessions of the crown in early times.

THE history of the land revenues of the crown presents as many vicissitudes, and varied fortunes, as are to be found in the domestic annals of any family in the kingdom.

The entire lands of the realm were originally held of the crown, by various feudal tenures; and the royal revenues were derived from fines, fees, first-fruits and tenths, and other profits arising from these lands, and from the rents of the ancient demesnes of the crown. To support the barbarous magnificence of his household,—his numerous retainers, and rude hospitality,—was nearly the sole expense of the king; for, as feudal superior, he commanded the services of his tenants in the field, who fought by his side with an array of men and horses, equipped and maintained at their own expense.

By means of escheats and forfeitures, there was

even a danger of the crown becoming the absolute proprietor of all the lands of the realm. But vast as were the king's possessions, they were not vast enough to satisfy the rapacity of his followers; and in every succeeding reign, the grants and alienations of crown lands exceeded the escheats and forfeitures. The estates of the crown were further diminished by wrongful appropriations, and encroachments. Repenting their liberality, kings frequently resumed their former grants; and alienations improvidently made, were unjustly and violently revoked. Yet such had been the waste of the once ample revenues of the crown, that Henry III. complained that they had become too scanty to furnish his royal table; and the needy monarch was reduced to the necessity of giving tallies for the supply of beeves and grain for his household. An extensive assumption of grants, however, and the forfeiture of the estates of rebel barons, retrieved his fallen fortunes. Such was the liberality of Edward II. that an ordinance was passed by Parliament prohibiting the alienation of crown lands,—which was repealed, however, by a Parliament at York, in the 15th year of his reign. But the profusion of this king was supplied by prodigious forfeitures.

Richard II. again, was not less profuse in his grants, nor less prodigal in his confiscations. The Wars of the Roses were so fruitful of forfeitures, that a large proportion of the land of the realm became the property of the crown. Had it been retained, there would have been no monarch in Europe so

absolute as that of England: but the spoils of one faction were eagerly grasped by the other; and the crown gained little by the lands which it won upon the field of battle, or wrested from their owners on the scaffold. In the reign of Henry V. the estates of the crown were considerably augmented by the appropriation of the Alien Priories,—one hundred and ten in number. Yet the income of Henry VI. was reduced so low as 5,000*l.* a year; and in his reign, several general resumptions of grants were authorised by Parliament, in order to supply his necessities.

Increase of land revenues by Henry VII. and VIII.

The rapacity of Henry VII. was needed to retrieve the revenues of the crown; and his exactions and thrift repaired the waste of former reigns. His acquisitions, however, were as nothing compared with the wholesale plunder of the monasteries, and other religious and charitable foundations, by Henry VIII., which has been valued at upwards of 30,000,000*l.* sterling.[1] Yet such were the magnificence and prodigality of this king, that at his death, his treasury was found to be entirely empty. The crown was as poor as ever: but the great nobles, who were enriched by grants of the church lands—more provident than their royal master—held them fast for their descendants. In the seventh year of the reign of James I. the entire land revenues of the crown and Duchy of Lancaster amounted to no more than 66,870*l.* a year, while the king's debts exceeded a million.[2] During

[1] St. John on the Land Revenues of the Crown, 68. [2] *Ibid*, 79.

his reign he sold lands to the extent of 775,000*l.*, and left debts of about an equal amount.

Destruction of land revenues during the Commonwealth.

But more evil days were at hand for the land revenues. Charles I., unable to obtain supplies from Parliament, and gaining little from his illegal exactions,—was forced to sell and mortgage the property of the crown. The Parliament, after his death, completed the spoliation, of which he had set them the example; and sold nearly all the royal estates, in order to pay the arrears due to the Parliamentary forces, and discharge the debts of the new government.[1] At the Restoration, these latter sales were declared void; and many of the estates of the crown were recovered. But

Their recovery and subsequent waste.

they were recovered,—to be again squandered and dispersed. In three years, Charles II. had reduced the income of the crown lands from 217,900*l.* to 100,000*l.* a year. In the first year of his reign he surrendered the court of wards and liveries, and the military tenures, in exchange for a settlement of certain duties of excise;[2] being the first instance of a surrender by the crown of its interest in any part of the hereditary revenues. During this reign, a large proportion of the fee-farm rents belonging to the crown, was sold by act of Parliament;[3] and further grants of these rents were made during the reigns of William III. and Queen Anne. The liberality of William III. to his followers, provoked remonstrances from Parliament.

[1] Scobell, part ii. 51, 106, 227, &c.
[2] 12 Car. II. c. 24.
[3] 22 Car. II. c. 6; 22 and 23 Car. II. c. 24.

He was even obliged to recall an enormous grant to the Earl of Portland, which conveyed to that nobleman four-fifths of the county of Denbigh, with a reserved rent of 6*s.* 8*d.*, payable to the crown:[1] but he compensated the Earl with other lands and manors.[2]

So jealous were the Commons, at this period, of the continual diminution of the hereditary revenues of the crown, that several bills were brought in to resume all grants made by Charles II., James II., and William;[3] and to prevent further alienations of crown lands.[4] At the end of William's reign, Parliament having obtained accounts of the state of the land revenues, found that they had been reduced by grants, alienations, incumbrances, reversions, and pensions, until they scarcely exceeded the rent-roll of a squire.[5]

Alienations of crown lands restrained.

Such an abuse of the rights of the crown could no longer be tolerated; and on the settlement of the civil list of Queen Anne, Parliament at length interposed to restrain it. It was now nearly too late. The sad confession was made, 'that the necessary expenses of supporting the crown, or the greater part of them, were formerly defrayed by a land revenue, which had, from time to time, been impaired by the grants of former kings and

[1] 1695 Parl Hist., v. 978; Com. Journ., xi. 391, 395, 409.
[2] Com. Journ , xi 608.
[3] In 1697, 1699, 1700, 1702, and 1703: Com. Journ , xii 90; *Ibid* , xiii 208, 350; *Ibid* , xiv. 95, 269, 305 &c , Macaulay's Hist , v 32.
[4] In 1697 and 1699, Com Journ., xii. 90; *Ibid.*, xiii 62.
[5] Com. Journ., xiii. 478, 498 , St. John on the Land Revenues, 99.

queens, so that her Majesty's land revenues could then afford very little towards the support of her government.'[1] Yet to preserve what was still left, it was now provided that no future lease (except a building lease) should be granted for more than thirty-one years, or three lives; and that a reasonable rent should be reserved. If such a law as this had been passed immediately after the Restoration, the land revenues would probably have provided for the entire charge of the civil list of Queen Anne. But at least the small remnant of crown lands was saved, and in that and the next two reigns, some additions were made to the royal estates, by escheats and forfeitures.[2]

Constitutional results of the improvidence of kings.

While this waste of the crown property had been injurious to the public revenues, it favoured the development of the liberties of the people. *Kings with vast hereditary revenues*,—husbanded and improved,—would have been comparatively independent of Parliament. But their improvidence gradually constrained them to rely upon the liberality of their subjects; until their own necessities, and the increasing expenditure of the state, at length placed them entirely under the control of Parliament.

[1] 1 Anne, c. 7, s. 5.

[2] Much curious learning is to be found concerning the land revenues of the crown in Wright's Tenures; Hargrave's Notes to Coke on Littleton; Coke's 1st Inst.; Spelman's Works (of Feuds); Lord Hale's History of the Common Law; Gilbert's Hist. of the Exchequer; Maddox's Hist. of the Exchequer; Davenant on Resumptions; Dugdale's Monasticon; Rymer's *Fœdera*; *Rapin's Hist.*; and an interesting summary in St. John's *Observations on the Land* Revenues of the Crown, 4to., 1787.

No constitutional change has been more important in securing popular control over the executive government, than the voting of supplies by the House of Commons: nor has any expedient been better calculated to restrain the undue influence of the crown, than a strict settlement of its revenues by Parliament. In the reign of Charles II., the principle of appropriating supplies to specific service by statute,—which had not been without previous recognition,—was formally established as one of the conditions, under which Parliament granted money for the service of the state. But until the Revolution, no limitation had been imposed upon the personal expenditure of the sovereign. It had been customary for Parliament to grant to the king, at the commencement of each reign, the ordinary revenues of the crown, which were estimated to provide, in time of peace, for the support of His Majesty's dignity and civil government, and for the public defence. To these were added, from time to time, special grants for extraordinary occasions. The ordinary revenues were derived, first, from the hereditary revenues of the crown itself, and secondly, from the produce of taxes voted to the king for life. The hereditary revenues consisted of the rents of crown lands, of feudal rights, the proceeds of the post-office, and wine licenses; and, after the surrender of feudal tenures by Charles II., in 1660, of part of the excise duties.

Importance of a settlement of the revenues of the crown.

Revenues of the crown prior to the Revolution.

In the reign of James II. the hereditary revenues, together with the taxes voted for the king's life,

amounted on an average to 1,500,964*l.* a year.[1] Whatever remained of this annual income, after the payment of the necessary expenses of the government, was at the king's absolute disposal,—whether for the support of his dignity and influence, or for his pleasures and profusion. Not satisfied with these resources for his personal expenditure, there is no doubt that Charles II. applied to his own privy purse, large sums of money which had been specially appropriated by Parliament, for carrying on the war.[2]

Settlement of the 'Civil List' of William and Mary.

To prevent such abuses in future, on the accession of William and Mary, Parliament made a separate provision for the king's 'Civil List,'—which embraced the support of the royal household, and the personal expenses of the king, as well as the payment of civil offices and pensions. The revenue voted for the support of the crown in time of peace, was 1,200,000*l.*; of which the civil list amounted to about 700,000*l.*, being derived from the hereditary revenues of the crown, estimated at 400,000*l.* a year and upwards,—and from a part of the excise duties, producing about 300,000*l.*[3]

The civil list comprised items of national expenditure.

The system thus introduced was continued in succeeding reigns: and the civil list still comprised not only the expenses of the sovereign, but a portion of the civil expenditure of the state.

[1] Parl. Hist., v. 151; Hallam, Const. Hist., ii. 279.

[2] Lord Clarendon's Life, iii. 181; Pepys' Diary, Sept. 23rd, and Dec. 12th, 1666, whence it appears that above 400,000*l.* had gone into the Privy Purse since the War. Memoirs, iii. 47, 105.

[3] Parl. Hist., v. 193; Com. Journ., x. 438, 54; Smollett and Hallam state the civil list at 600,000*l.*

The civil list of Queen Anne was settled by Parliament in the same form, and computed at the same amount as that of William III.[1] Her Majesty, while she feared the revenue granted to her would fall short of that enjoyed by the late king, promised that 100,000*l.* a year should be applied to the public service.[2] So far, however, from fulfilling this promise,—during the twelve years of her reign, she incurred debts amounting to 1,200,000*l.*, which were paid off by Parliament, by way of loans charged upon the civil list itself.

Civil List of Queen Anne

The civil list of George I. was computed at 700,000*l.* a year; and, during his reign, debts were incurred to the extent of 1,000,000*l.*, which were discharged by Parliament, in the same manner.[3]

Of George the First

The hereditary revenues were continued to George II., with a proviso that if they should produce less than 800,000*l.* a year, Parliament would make up the deficiency. The king, however, was entitled to any surplus above that sum.[4] This was an approximation to a definite civil list, as the *minimum* at least was fixed. For the last five years of his reign these revenues had risen, on an average, to 829,155*l.* a year: but during the whole of his reign, they amounted to less than 800,000*l.*[5] In 1746 a debt of 456,000*l.* on the civil list was discharged by Parliament. This debt was stated by

Of George the Second

[1] 1 Anne, c 7.
[2] Parl Hist, vi. 11.
[3] 1 Geo I c. 1.; Burke's Works, ii 309.
[4] 1 Geo. II. c. 1
[5] Report on civil list, 1815, p. 4, Burke's Works, ii. 310.

the king to have been incurred in consequence of the hereditary revenues having fallen short of 800,000*l.* a year; and Parliament was, therefore, bound by the terms of its original contract to make up the deficiency.

Civil List of George III.

On the accession of George III., the king consented to make such a disposition of his interest in the hereditary revenues of the crown in England, as Parliament might think fit. Hitherto the crown had enjoyed certain revenues which were calculated by Parliament to produce a sufficient income; but now the king agreed to accept a fixed amount as his civil list, 'for the support of his household, and the honour and dignity of the crown.'[1] This was the first time that the direct control of Parliament over the personal expenditure of the king had been acknowledged; and it is not a little curious that so important a change in the relations of the sovereign to Parliament, should have been introduced at the very period when he was seeking to extend his prerogatives, and render himself independent of other influences in the state. It soon appeared, however, from the debts incurred, that his Majesty was not inclined to permit this concession to diminish the influence of the crown.

The money arising out of the hereditary revenues, secured by various acts of Parliament to the king's predecessors, was now carried to the 'aggregate fund,' out of which the annual sum of 723,000*l.* was granted to his Majesty, during the continuance of

[1] Com. Journ., xxviii. 28.

the existing annuities to the Princess Dowager of Wales, the Duke of Cumberland, and the Princess Amelie; and as these charges ceased, the amount of the civil list was to be increased until it reached 800,000*l.* a year. He thus accepted the *minimum* civil list of his predecessor; and relinquished all claim to the surplus, which for the first eight years of his reign amounted, upon an average, to 100,000*l.* a year.[1]

Other sources of revenue.

But the king enjoyed other sources of income, independent of Parliamentary control. He derived a considerable amount from the droits of the crown and Admiralty, the 4½ per cent. duties, and other casual sources of revenue in England. He was in possession of the hereditary revenues of Scotland; and of a separate civil list for Ireland. He retained the rich Duchies of Cornwall and Lancaster. With these additions to the civil list, Mr. Burke estimated the total annual income of the crown at little less than a million; exclusive of the revenues of Hanover, and the Bishopric of Osnaburgh.[2] During this long reign, the droits of the crown and Admiralty, and the casual revenues, which were wholly withdrawn from the cognisance of Parliament, amounted to the large sum of 12,705,461*l.*: out of which, however, he voluntarily contributed 2,600,000*l.* to the public service: while 5,372,834*l.* were appropriated as the expenses of captors, and payments to persons concerned in taking prizes. The surplus actually enjoyed by the crown,

[1] 1 Geo III c 1.; Rep. on Civil List, 1815.
[2] Present Discontents, Burke's Works, ii. 281.

expended—nothing saved. . . . They do not believe it to be hoarded, nor perceive it to be spent.'[1]

While practising this apparent economy, the king was engaged in that struggle to increase the influence, and establish the ascendency of the crown, which has been described elsewhere.[2] The large expenditure of the civil list could not fail, therefore, to be associated with the fidelity and subserviency of the court party in Parliament. The crown was either plundered by its servants; or Parliamentary support was purchased by places, pensions, and pecuniary corruption.[3]

Parliamentary influence secured by the civil list expenditure

In February, 1769, before the king had yet been nine years upon the throne, the arrears of the civil list amounted to 513,511*l*; and his Majesty was obliged to apply to Parliament to discharge them. This demand was made at an untimely moment, when the people were exasperated by the persecution of Wilkes,—when the policy of the court was odious, and the king himself unpopular. But if the country was discontented, Parliament was held in safe subjection. Inquiry was demanded into the causes of the debt, and explanatory accounts were sought: but all investigation being resisted by ministers, the amount was granted without information. In the following year, motions for inquiry into he expenditure of the civil list were renewed, with o better success.[4] Lord Chatham avowed his con-

Debt upon the civil list, 1769.

[1] Present Discontents, Works, ii 280.
[2] *Supra*, Chap I.
[4] Parl Hist., xvi 843, 926; Walp Mem., iii. 343; Rockingham m., ii. 90, 167. The Duke of Richmond, writing to Lord kingham as to a division in the Lords, says, 'The division of
[3] *Infra*, Chap. IV.

viction that the civil list revenues were expended in corrupting members of Parliament;[1] and the civil list expenditure,—and the withholding from Parliament such an explanation of its causes, as had been customary in former reigns,—formed a prominent topic in Mr. Burke's celebrated pamphlet on 'the Causes of the Present Discontents.'

Further debt in 1777.

But the same causes of excessive expenditure,—whatever they may have been,—continued without a check; and after the lapse of eight years, the king was again obliged to have recourse to Parliament, not only to discharge a debt of 618,340*l.*, but to increase his annual civil list to 900,000*l.* a year. On this occasion, accounts explanatory of the arrears were laid before Parliament. Ministers no longer ventured to withhold them: but they were not deemed satisfactory by the opposition. Again the causes of increased expenditure were freely animadverted upon in Parliament. The income of the king was compared with that of his predecessors,—the large amount of secret-service money, and the increased pension list were noticed,—and insinuations made of covert influence and corruption.[2] But Parliament acceded to the demands of the king. When the speaker, Sir Fletcher Norton, addressed the throne, on presenting the bill for the royal assent, he said, the Commons

twenty-six on so courtly a point as paying his Majesty's debts, and enabling him to bribe higher, is, I think, a very strong one.'—*Rockingham Mem.*, ii. 92.

[1] Parl. Hist., xvi. 849.

[2] *Ibid.*, xix. 103, 160, 187; Walp. Mem., iv. 92; Walp. Journ., ii. 110.

'have not only granted to your Majesty a large present supply, but also a very great additional revenue; great beyond example; great beyond your Majesty's highest expense.' The speaker's uncourtly address became the subject of remark and censure in the House of Commons: but his friend, Mr. Fox, having come to the rescue, he was thanked for expressing with 'just and proper energy, the zeal of this House for the support of the honour and dignity of the crown, in circumstances of great public charge.'[1] His conduct, however, was not forgiven by the court; and in the next Parliament, he was punished by the loss of the speaker's chair.'[2]

Debates upon the civil list, 1779

Promptly as these demands of the crown were met, they yet excited lasting dissatisfaction. The public expenditure and the national debt had been prodigiously increased by the American War, when the abuses of the civil list were again brought under the notice of Parliament. In 1779, the Duke of Richmond moved an address to the crown praying for the reduction of the civil list, which was rejected by a majority of more than two to one.[3] But a few days afterwards Mr. Burke gave notice of his motion on economic reform, with which his name has since been honourably associated. On the 11th of February, 1780,—fortified, in the meantime, by numerous petitions,—he propounded his elaborate scheme. This embraced a considerable reduction of

Mr Burke's scheme of economic reform, 1780.

[1] Parl. Hist., xix 227.
[2] *Ibid.*, xxi. 793-807, Wraxall's Mem., i. 372.
[3] Dec. 7th, 1779; Parl. Hist., xx. 1255.

offices, a diminution of expenditure, and improved administration and accounts in the various departments of the state; and in his masterly review, the expenditure of the civil list attracted a large share of his scrutiny. Describing the royal household, he pointed out the social changes which had taken place, and the obsolete character of many of the offices which were still retained. 'The royal household,' he said, 'has lost all that was stately and venerable in the antique manners, without retrenching anything of the cumbrous charge, of a gothic establishment.'[1] Examples of profusion and abuse were given,—useless offices, and offices performed by deputy,—the king's turnspit being a member of Parliament,[2]—jobbing, waste and peculation in every department, without restraint. He proposed the reduction and consolidation of offices, the diminution of the pension list to 60,000*l.* a year, and the payment of all pensions at the Exchequer.

Mr. Burke obtained leave to bring in five bills to carry out these various objects: but his Establishment Bill[3] was the only one which was considered in that session. It was read a second time, and several of its provisions were discussed in committee: but it was ultimately defeated by the government.[4] The discussions, however, led to a proposition from Lord North, for a commission of Public Accounts.

In the following year, Mr. Burke resumed his

[1] Parl. Hist., xxi. 30.
[2] *Ibid.*, 33, and Lord Talbot's Speech in 1777; *Ibid.*, xix. 176.
[3] See Parl. Hist., xxi. 111, where it is printed at length.
[4] *Ibid.*, xxi. 714.

Mr Burke's Establishment Bill, 1781.

efforts, and again obtained leave to bring in his Establishment Bill. In advocating this measure he was boldly supported by young William Pitt, who then first offered himself to the notice of Parliament. The bill was lost on the second reading.[1]

Measures of the Rockingham ministry, 1782

But a sudden change soon took place in the prospects of this question. Lord Rockingham's administration acceded to office, pledged to economic reform, and resolved to carry it into effect. Lord Rockingham, in laying his plan before the king, explained 'that not a single article of the expense to be retrenched touches anything whatsoever which is personal to your Majesty, or to your Majesty's royal family, or which in the least contributes to the splendour of your court;' and that in fact he *only intended* to reduce the patronage and influence of ministers.[2] On the 15th April, 1782, a message from the king was sent to both Houses, recommending economy in all branches of the public expenditure, and stating that he had already considered the reform and regulation of his civil establishment. Well might Mr. Burke congratulate the House of Commons and the country, on so favourable a change in the policy of the government, and on the attitude of the king towards his people. In both Houses this communication was cordially received and acknowledged.[3] It was soon followed by another, which though not so

[1] Parl Hist., xxi 1292; Wraxall's Mem., ii. 333, Lord Stanhope's Life of Pitt, i 64.

[2] Lord Rockingham's letter to the king.—*Rock. Mem.*, ii. 477.

[3] Parl Hist, xxii. 1269, Wraxall's Mem, 43-47, 54.

satisfactory, at least afforded convincing proof of the necessity of that economy which had been already recommended.

Civil list debt, 1782.

The king was now obliged to announce to Parliament another debt upon his civil list; but instead of proposing that it should be discharged, as on previous occasions, out of the general revenues of the state, he intimated that its liquidation was to be secured by intended reductions of the civil list establishment. Notwithstanding the recent additions to the civil list, the arrears now amounted to 295,877*l.*; and the proposed savings, instead of being available either to the king or to the country, would thus become immediately mortgaged for the payment of a debt, by annual instalments.

Civil list Act of 1782.

The Civil List Act of Lord Rockingham, though falling short of Mr. Burke's original proposal, was nevertheless a considerable measure. Many useless offices were abolished, restraints were imposed upon the issue of secret-service money, the Pension List was diminished, and securities were provided for a more effectual supervision of the royal expenditure. And now, for the first time, the civil list expenditure was divided into classes, eight in number, which led to more important changes hereafter.[1]

...sequent ...s in this ...n.

But debt continued to be the normal condition of the civil list throughout the reign of George III. Again and again applications were ...ewed to Parliament; and the debts discharged at

[1] 22 Geo. III. c. 82; Parl. Hist., xxii. 1395; *Ibid.*, xxiii. 121.

different periods after 1782, exceeded 2,300,000*l.* From the beginning to the end of this reign, the several arrears paid off by Parliament, exclusive of the debt of 300,000*l.* charged on the civil list in 1782, amounted to 3,398,000*l.*[1]

Surplus of hereditary revenues.

In defence of these continued excesses it was urged that they were more than defrayed by the surplus of the hereditary revenues, which the king had surrendered; and which, in 1815, exceeded by upwards of 6,000,000*l.* the entire expenditure of the civil list since the accession of the king, —including all the debts which had been paid off by Parliament, and the charges from which the civil list had been relieved.[2]

Charges removed from the civil list.

Meanwhile the civil list continued to comprise charges wholly unconnected with the personal comfort and dignity of the sovereign, —the salaries of judges, ambassadors, and other officers of state,—annuities to members of the royal family, and pensions granted for public services —all of which were more fairly chargeable to the state revenues, than to the civil list of the crown.

[1] In 1769	£513,511	
1777	618,340	
1784	60,000	
1786	210,000	
1802	990,053	
1804	591,842	
1805	10,458	
1814	118,857	
1814	100,000	(extra expenses)
1816	185,000	
	£3,398,061	

Report on Civil List, 1815, p. 4; Speech of Mr. Spring Rice, Nov. 23rd, 1837.—*Hans. Deb.*, 3rd Ser., xxxix. 144.

[2] Report on Civil List, 1815, p. 4.

From many of these charges the civil list wa[s], from time to time, relieved,—amounting, betwee[n] the accession of George III. and 1815, t[o] 9 561,396*l.*[1]

Regulation of the civil list of the regency.

On the expiration of the first year of the regency, in 1812, the civil list was increased by 70,000*l.* a year, and a special grant of 100,000*l.* was voted to the prince regent.[2] In 1816, the civil list was settled at 1,083,727*l.*, including the establishment of the king; and its expenditure was, at the same time, subjected to further regulation. It was relieved from some of the annuities to the royal family: the payments on account of the several classes of expenditure were defined and controlled; and the expenses of the royal household were subjected to the supervision and audit of a treasury officer,—the auditor of the civil list.[3]

Civil list on accession of George IV.

King George IV., on his accession, expected a larger civil list than he had enjoyed as Prince Regent: but yielding to the persuasion and remonstrances of his ministers, he stated in his speech from the throne, that so far from desiring any arrangement which would lead to the imposition of new burdens upon his people, he had no wish to alter the settlement adopted by Parliament in 1816.[4]

[1] Report on Civil List, 1815, p. 5.
[2] 52 Geo. III. c. 6, 7; Hans Deb., 1st Ser., xxi. 151, &c.
[3] 56 Geo. III. c. 46.
[4] Twiss's Life of Eldon, ii. 363; Hans. Deb., 2nd Ser., i. 11. This concession, 'if report be true, was obtained by nothing but the most determined refusal of the ministers to do more.'—*Mr. T. Grenville to the Marquess of Buckingham*, May 4th, 1820.

to a select committee of the House of Commons, and freely investigated. The Wellington ministry resisted this investigation, and fell: when the settlement of the civil list was left to the Whig ministry of Earl Grey.[1] The committee, in their inquiries, not thinking it consistent with the respect due to his Majesty to scrutinise the details of his domestic household, nevertheless recommended several reductions in the salaries of the officers of state, amounting in the aggregate to 11,529*l.*[2] The king, however, remonstrated with his ministers against the proposed reduction, saying:—'If the people, according to the new (reform) bill, are really to govern the House of Commons, and the House of Commons is to decide upon the amount of salary I am to give to my servants, then the prerogatives of the crown will in reality pass to the people, and the monarchy cannot exist.' The ministers yielded to this remonstrance, and induced the House of Commons to restore the civil list to the amount originally proposed.[3]

Civil list of Her Majesty.

The civil list of Queen Victoria was settled on the same principles as that of William IV., and amounted to 385,000*l.*: the only material variation being that in lieu of the Pension List of 75,000*l.*, her Majesty was empowered to grant pensions annually to the extent of 1,200*l.* The crown was thus finally restricted to a definite

[1] Hans. Deb., 3rd Ser., i. 429, 526. Courts and Cabinets of William IV. and Queen Victoria, i. 128.
[2] Report on the Civil List Accounts, March 21st, 1831.
[3] Roebuck's Hist. of the Whig Ministry, ii. 159; Hans. Deb., 3rd Ser., iii. 959.

annuity for the support of its dignity, and for the personal comfort of the sovereign.[1]

No debts upon the civil list during three reigns

It may be added, as at once a proof of the wisdom of these arrangements, and of the improved administration of our later sovereigns, that neither in the reign of Her Most Gracious Majesty, nor in the reigns of George IV. and William IV., has any application been made to Parliament for the discharge of debts upon the civil list.[2]

Importance of relieving civil list from extraneous charges

While the civil list has been diminished in amount, its relief from charges with which it had formerly been incumbered, has placed it beyond the reach of misconstruction. The crown repudiates the indirect influences exercised in former reigns, and is free from imputations of corruption. And the continual increase of the civil charges of the government, which was formerly a reproach to the crown, is now a matter for which the House of Commons is alone responsible. In this, as in other examples of constitutional progress, apparent encroachments upon the crown have but added to its true dignity, and conciliated, more than ever, the confidence and affections of the people.

Revenues of Hanover

Until the accession of her Majesty, every previous sovereign of her royal house had also enjoyed the revenue of the Kingdom of Hanover, which was now detached from the crown of England. Former sovereigns had also inherited considerable

[1] Hans. Deb., xxxix. 137, *et seq.*
[2] Rep. 1837-8, on the Civil List.

personal property from their predecessors: but her Majesty succeeded to none whatever. The crown, however, still retains the revenues of the Duchies of Lancaster and Cornwall. The former are the property of the reigning sovereign; the latter the independent inheritance of the Prince of Wales, as Duke of Cornwall. The estates of both these duchies have been largely augmented by judicious management, and by vigilant attention to the interests of the crown.

Duchies of Lancaster and Cornwall.

At the commencement of her Majesty's reign, the gross revenue of the Duchy of Lancaster amounted to 23,038*l.*, and the charges to 14,126*l.*, leaving a net revenue of no more than 8,912*l.* In 1859, the gross revenue had increased to 45,436*l.*, and the net revenue to 31,349*l.*, of which 25,000*l.* were paid to her Majesty's Privy Purse.[1]

Revenue of the Duchy of Lancaster.

When *George, Prince of Wales, came of age in 1783, the income of the Duchy of Cornwall was less than 13,000l. a year. On the* accession of her Majesty, the gross income was 28,456*l.*, and the payments were 12,670*l.*, leaving a net income of 15,786*l.* In 1859, the gross income had increased, under the admirable management of the Prince Consort, to 63,704*l.*, and the net revenue to 50,777*l.*; of which no less than 40,785*l.* were paid over to the trustees and treasurer of his Royal Highness the Prince of Wales.[2] Former sovereigns had themselves appropriated the income of the

Revenue of the Duchy of Cornwall.

[1] Parl. Papers, 1837–8 (665), 1860 (98). [2] *Ibid.*, 1860 (15).

duchy, during the minority of the heir-apparent: but her Majesty generously renounced it; and out of this ample revenue, accumulations exceeding half a million, were invested for the future benefit of his Royal Highness.[1]

Private property of the sovereigns.

In addition to these public revenues, the rights of the crown to its own private property have been secured. The alienation of the land revenues of the crown having been restrained by the 1st Anne, a doubt subsequently arose, whether the restrictions of that Act extended to the private property of the sovereign, acquired by purchase, gift or devise, or by descent, from persons not being kings or queens of the realm. But such restrictions being without any colour of justice, an Act was passed, in 1800, declaring that property so acquired, could be disposed of like the property of subjects.[2] On the accession of George IV., however, doubts were suggested whether this Act applied to property acquired, by the reigning sovereign, before he had succeeded to the throne, which were set at rest by statute in 1823.[3]

Provision for the royal family.

While the civil list has been ample for the support of the personal dignity of the crown, Parliament has also provided liberally for the maintenance of the various members of the royal family. A separate annuity to the Queen

[1] The country had the full benefit of this royal generosity and foresight, on the Prince's marriage. Report of the Council of the Prince of Wales, 1863, Debate on Prince of Wales' Annuity Bill, Feb 23rd, 1863.

[2] 39 & 40 Geo. III. c 88.

[3] 4 Geo IV. c. 18, Hans. Deb, 2nd Ser, viii. 509, 651.

Consort, with a large dowry in case of the death of the king,—annuities to the brothers, sisters, and other relatives of his Majesty,—establishments for each of his children on coming of age, and even allowance for their education and maintenance,—marriage portions for princesses of the royal house,—such are the claims which have been made upon the liberality of Parliament, in addition to the civil list. To these must be added, in the reign of George III., the debts of the Prince of Wales.

Debts of the Prince of Wales.

The prince came of age in 1783,—a time ill-suited for heavy demands upon the public purse. The people were still suffering under the accumulated burthens of the American War; and the abuses of the civil list had recently undergone a rude exposure. But the prince's Whig friends in the Coalition ministry, overlooking these considerations, proposed a settlement of 100,000*l.* a year. They were glad to have this opportunity of strengthening their political connection with the heir-apparent. But the king was more sensible than they, of the objections to such a proposal at that time; and being tenacious of his own power,—loving his son but little, and hating his ministers much,—he declined an arrangement which would have secured the independence of the prince, and drawn him still more closely to the party most obnoxious to himself. He agreed, therefore, to make the prince an allowance of 50,000*l.* a year out of his civil list, which had already proved unequal to his own expenditure; and limited his demand

upon Parliament to an outfit of 60,000*l.*[1] To a prudent prince such an allowance would have been ample: to the spendthrift and the gamester it was a pittance. The prince was soon in difficulties; and his 'debts of honour' to the blacklegs of Newmarket, and the sharpers of St. James's, left little for the payment of the royal tradesmen. On the revision of the civil list in 1786, another effort was made by the prince's friends to obtain for him a more liberal settlement: but Mr. Pitt was cold, and the king inexorable. The prince broke up his establishment, yet failed to pay his debts.

In 1787 his affairs had become desperate, when the heir-apparent was saved from ruin by the friendly intervention of a London alderman. Mr. Alderman Newnham having given notice, in the House of Commons, of an address to the king on the subject of the prince's debts, and being supported by the friends of his Royal Highness, the king thought it better to arrange a compromise. This resulted in the addition of 10,000*l.* a year to the income of the prince out of the civil list; and the voting of 161,000*l.* for the payment of his debts, and 20,000*l.* for the buildings at Carlton House.[2] No less than 63,700*l.* were afterwards granted by Parliament, at different times, for the completion of this costly palace,[3] which, after being the scene of tinsel

[1] 25th June, 1783; Parl. Hist., xxiii. 1030; Lord J. Russell's Life of Fox, ii. 8, Lord Auckland's Corr., i. 54, Earl Stanhope's Life of Pitt, i. 123, Wraxall's Mem., iv. 464.

[2] Parl. Hist., xxvi. 1010, 1048, 1064, 1207; Tomline's Life of Pitt, ii. 260, Lord Auckland's Corr., i. 415, 417.

[3] Viz., 35,000*l.* in 1789, 3,500*l.* in 1791, and 27,500*l.* in 1795.

splendour and bad taste for little more than twenty-five years, was rased to the ground to make room for metropolitan improvements.[1]

The king assured the House of Commons that the prince had promised to confine his future expenses within his income; yet so little were these good intentions carried out, that in 1792 his Royal Highness confessed to Lord Malmesbury that his debts then amounted to 370,000*l*.[2] In 1795 they had increased to the extraordinary sum of 650,000*l*.; when he was extricated from these embarrassments, by his ill-fated marriage with Caroline of Brunswick. To propose a grant for the payment of these debts, was out of the question: but an additional annuity of 65,000*l*. was settled upon him, of which nearly the whole was appropriated, for many years, to the gradual discharge of his incumbrances.[3] In 1803, an addition of 60,000*l*. was made to his income, and his debts were ultimately paid off.[4] After a youth of excess and extravagance, the spendthrift prince,—though still fond of building and enlarging palaces at the public expense,—learned, in his old age, to husband his own resources, with the caution of a miser.

Parliament has since cheerfully granted every suitable provision for members of the royal family: but its liberality has not been discredited by any

[1] Court and Cabinets of the Regency, i. 99; Lord Colchester's Diary, ii. 336, iii. 522.

[2] Lord Malmesbury's Corr., ii. 415, 418.

[3] King's Message, April 27th, 1795; Parl. Hist., xxxi. 1464, 1496; *Ibid.*, xxxii. 90, 135; 35 Geo. III. c. 129.

[4] 43 Geo. III. c. 26; Parl. Hist., xxxvi. 1197; Lord Stanhope's Life of Pitt, iv. 13; Lord Colchester's Diary, i. 413.

further application for the payment of their debts.

We have seen that the income arising from the land revenues of the crown was surrendered to the state, by George III. in exchange for a civil list: but for a long time the state was deprived, by mismanagement, of the greater part of the benefit to which it was entitled. Leases were improvidently, if not corruptly, granted,—often without any survey of the property, and even without a copy or counterpart of the lease being retained by the Surveyor-General, on behalf of the crown: renewals were conceded at the pleasure of the tenants; while extravagant fees, payable at public offices, instead of being charged to the tenants, were deducted from the fines, and became a grievous burthen upon the revenues of the crown. At least seven-eighths of the value of the land were received in the shape of fines, and one-eighth only in rent; and these fines, again, were computed at high rates of interest, by which the payments to the crown were further diminished.

Mismanagement of the land revenues on behalf of the public

Encroachments and waste were permitted upon the royal demesnes, with scarcely a check. Such mismanagement, however, was not due to any want of officers, appointed to guard the public interests. On the contrary, their very number serve to facilitate frauds and evasions. Instead of being a check upon one another, these officers acted independently; and their ignorance, incapacity, and neglect went far to ruin the property under their charge. As an illustration of the system, it may be stated that the

land-tax was frequently allowed twice over to lessees; from which error alone, a loss was sustained of upwards of fifteen hundred pounds a year. Even without mismanagement, the wide dispersion of the estates of the crown multiplied the charges of superintendence and administration.

From these various causes the noble estates of the crown, for the first twenty-five years of the reign of George III., produced an average net revenue little exceeding six thousand pounds a year.[1] Some of these abuses were exposed by Mr. Burke in 1780, who suggested as a remedy, a general sale of the crown lands.[2] In 1786, the king sent a message to Parliament, by the advice of Mr. Pitt, recommending an inquiry into the condition of the woods, forests, and land revenues of the crown; and a commission was accordingly appointed by Act, to make that inquiry, and to suggest improvements in the system of management.[3] The recommendations of this commission led to the passing of an Act in 1794, by which an improved administration of the land revenues was introduced;[4] and means were taken for making them more productive. This commission had reported that, in their opinion, the estates which had hitherto yielded so insignificant a revenue might, under improved management, eventually produce no less than 400,000*l.* a year. Existing interests postponed for a time the realisation of so

[1] Reports of Commissioners of Inquiry into the Woods, Forests, and Land Revenues, under Act 26 Geo. III. c. 87.
[2] Parl. Hist., xxi. 26.
[3] *Ibid.*, xxvi. 186, 202.
[4] 34 Geo. III. c. 75.

sanguine an estimate: but in 1798 the crown lands were valued at 201,250*l.* a year;[1] in 1812 they were valued at 283,160*l.*;[2] in 1820 they actually yielded 114,852*l.*; in 1830, they produced 373,770*l.*; and in the year ending 31st March 1860, they returned an income of 416,530*l.*[3]

Appropriation of the proceeds of the land revenues

But when the land revenues of the crown were at length becoming nearly an equivalent for the civil list, a considerable proportion of the income was still diverted from the Exchequer. The land revenues, and the woods and forests, were originally managed, each by a Surveyor-General: but in 1810 the functions of these two offices were combined in a commission of woods, forests, and land revenues.[4] In 1832, the superintendence of public works was added to the duties of this commission;[5] when it soon became evident that what they received with one hand, they were too ready to pay over to the other. The revenue derived from the property of the crown, was applied with too much facility, to the execution of public works and improvements: the Exchequer was deprived of the funds which were due to it, in exchange for the civil list; and Parliament was denied its proper control over an important branch of the public expenditure. To arrest this evil, another administrative change was necessary; and in 1851, the departments of Woods and Forests and

[1] Report of Surveyor-General, Com. Journ., liii. 187.
[2] 1st Report of Comm. of Woods and Forests, 1812.
[3] Finance Accounts, 1860.
[4] 50 Geo III. c. 65.
[5] 2 & 3 Will. IV. c. 1.

of Public Works were again entirely separated.[1] Hence, whatever may be the net proceeds of the property of the crown, they form part of the public revenue: and whatever sums may be needed for public works, are voted by Parliament out of the general income of the state.

Civil list pensions.

A very important part of the expenditure of the civil list has been caused, in every reign but the present, by the payment of pensions. The grant of pensions by the crown has so often been the subject of political discussion, that a brief explanation of the law and usage by which they were granted, and the funds from which they were payable, will not be devoid of constitutional interest.

Restrictions upon grants of pensions charged upon crown lands.

Prior to the reign of Queen Anne, the crown had exercised the right of charging its hereditary revenues with pensions and annuities; and it had been held that the king had power, in law, to bind his successors.[2] But on the accession of Queen Anne, in 1701, when alienations of crown lands were for the first time restrained by Parliament,[3] it was also provided that no portion of the hereditary revenues[4] could be alienated for any term, longer than the life of the reigning king.[5]

[1] 14 and 15 Vict. c. 41.
[2] Bankers' Case, 1691; State Trials, xiv. 3–43.
[3] *Supra*, p. 229.
[4] The hereditary revenues specified in the Act were these: the hereditary duties on beer, ale, or other liquors, the post-office, first-fruits and tenths, fines on writs, post fines, wine licenses, sheriffs' processes and compositions, and seizures of uncustomed and prohibited goods.
[5] 1 Anne, st. 1. c. 7.

This Act, however, having been passed before the union with Scotland, did not extend to the hereditary revenues of the Scottish crown. Nor was any similar Act passed in the Parliament of Ireland, restraining grants from the hereditary revenues of Ireland: neither did the Act of Anne extend to the 4½ per cent. duties. Subsequently to this Act, pensions on the hereditary revenues of the crown in England could only be granted during the life of the reigning sovereign: but were practically re-granted at the commencement of every reign. But pensions charged on the hereditary revenues of Scotland and Ireland, and on the 4½ per cent. duties, continued to be granted for the lives of the grantees.

Pensions on the hereditary revenues.

On the accession of George III., the larger branches of the hereditary revenues of the crown of England being surrendered in exchange for a fixed civil list, the pensions which had previously been paid out of the hereditary revenues, were henceforth paid out of the civil list. There was no limit to the amount of the pensions so long as the civil list could meet the demands: and no principle by which the grant of them was regulated, but the discretion of the crown and its advisers.

Pensions on the civil list of George III.

No branch of the public expenditure was regarded with so much jealousy as that arising out of the unrestricted power of granting pensions by the crown. Not only did it involve a serious public burden,—being one of the principal causes of the civil list debts,—but it increased the

Abuses of the pension list.

influence of the crown, and impaired the independence of Parliament. Mr. Burke, in bringing forward his scheme of economical reform in 1780, dwelt much on the excessive amount of the pension list, and the absence of proper regulations; and particularly adverted to a custom which then prevailed, of granting pensions on a private list, during pleasure, by which dangerous corruption might be practised. Mr. Burke proposed that the English pension list should be gradually reduced to 60,000*l.*, and that pensions should be restricted to the reward of merit, and 'real public charity:' extraordinary cases being in future provided for by an address of either house of Parliament.

Restriction upon the grant of pensions in 1782.

By the Civil List Act of the Rockingham administration in 1782, the power of granting pensions was considerably limited. It was provided that until the pension list should be reduced to 90,000*l.*, no pension above 300*l.* a year should be granted: that the whole amount of pensions bestowed in any year should not exceed 600*l.*, a list of which was directed to be laid before Parliament: that the entire pension list should afterwards be restricted to 95,000*l.*; and that no pension to any one person should exceed 1,200*l.* The Act further recognised the principle of Mr. Burke's plan, and affirmed almost in his very words, that by the usage of granting secret pensions during pleasure [illegible]

[1] 22 Geo. III [illegible]

and dangerous corruption may hereafter be practised;' and it directed that in future all pensions should be paid at the Exchequer. It further acknowledged the principle that pensions ought to be granted for two causes only;—viz. as a royal bounty for persons in distress, or as a reward for desert.

So far, therefore, the English pension list was regulated, and made subject to parliamentary control. But the crown still retained ample means, from other sources, of rewarding political or personal services. The hereditary revenues of the crown, in Ireland, amounting to the net sum of 275,102*l*., were still at the sole disposal of the crown, and were even alienable, so as to bind future sovereigns. It is natural that this convenient fund should have been largely charged with pensions. They had been granted in every form,—during the pleasure of the crown,—for terms of years,—for the life of the sovereign, and for several lives in being, or in reversion. As there was no control whatever over such grants, the pension list was continually increasing. Complaints had long been made of the reckless prodigality of the crown in bestowing pensions; and so far back as 1757, the Irish House of Commons had unanimously resolved 'that the granting of so much of the public revenue in pensions is an improvident disposition of the revenue, an injury to the crown, and detrimental to the people.' Yet the pension list, which in 1757 had amounted to 40,000*l*., was trebled in the first thirty years of George III.; and, in 1793, had reached the prodigious sum of 124,000*l*. But the

Irish pension list.

were not surrendered until 1830, when William IV. gave up his own life interest in them: the pensions previously granted being still payable by the state.

At this time, the three pension lists of England, Scotland, and Ireland, were consolidated, and the entire civil pension list for the United Kingdom was reduced from 145,750*l.* to 75,000*l.*; the remainder of the pensions being charged upon the Consolidated Fund.

Consolidation of the pension lists

Finally, on the accession of her present Majesty, the right of the crown to grant pensions was restricted to 1,200*l.* a year. Such pensions were now confined, according to the terms of a resolution of the House of Commons, of the 18th Feb. 1834, to 'such persons as have just claims on the royal beneficence, or who, by their personal services to the crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, have merited the gracious consideration of their sovereign, and the gratitude of their country.'[1] At the same time an inquiry was directed by the House of Commons to be made into the existing pension list, which resulted in the voluntary surrender of some pensions, and the suspension or discontinuance of others.[2]

Regulation of pensions in 1837.

The pensions thus reduced in amount, and subjected to proper regulation, have since been beyond the reach of constitutional jealousy. They no longer afford the means of corruption,—th[illegible] [illegible]dd

[1] 1 Vict. c. 2: Report on Civil List, D[illegible]
[2] Report on Pensions, 24th July 1[illegible]

little to the influence of the crown,—they impose a trifling burthen on the people,—and the names of those who receive the royal bounty are generally such as to command respect and sympathy.

Powers of the king over the royal family.

Such being the pecuniary relations of the crown and royal family to Parliament, let us take a brief review of the relations of the royal family to the reigning sovereign.

Marriage of the Duke of Gloucester.

Among the prerogatives of the crown is that of a more than parental authority over the royal family; and, in 1772, the king sought the aid of Parliament for the enlargement of his powers. The Duke of Gloucester had been married for several years to the Countess Dowager of Waldegrave; but had not publicly acknowledged her as his consort, nor had she assumed his title.[1] At court she was neither recognised as his wife, nor discountenanced as his mistress; but held an equivocal position between those two characters.

[illegible] of Cumberland.

But in the autumn of 1771, another of the king's brothers, the Duke of Cumberland, [illegible] nounced to the king his marriage with Mrs. Horton, whom he at once called Duchess of Cumberland. By a singular coincidence, [illegible] daughter of Lord Irnham, and a sister of the famous Colonel Luttrell, whom the court party had put into Wilkes's seat for Middlesex. The [illegible] of the king, [illegible] to be equalled by the [illegible] triumph of Wilkes. The family [illegible] been made the instruments of [illegible]

[1] Walpole's [illegible]

now brought shame upon the king.[1] The Duke and Duchess were not only forbidden to appear at court themselves: but their society was interdicted to all who desired to be admitted to the palace.[2] At first the king was not without hope that the validity of the marriage might be questioned. It had been solemnised without the usual formalities prescribed by law: but the royal family had been excepted from Lord Hardwicke's Marriage Act, by the express command of George II., who would not allow restraints, intended only for his subjects, to be imposed upon his own family.[3] Such restraints might now have postponed, or even prevented, this hateful marriage. The alliance of the Duke of Cumberland with a subject was followed by the public avowal of his marriage by the Duke of Gloucester, whose wife's position would have been seriously compromised by any longer concealment.

The king was now resolved to impose such restrictions upon future marriages in his own family, as had never been contemplated for his subjects. And, in truth, if alliances with persons not of royal blood were to be prevented, the king and his brothers had given proof enough of the dangers to which princes are exposed. In his youth the king had been himself in love with Lady Sarah Lennox:[4] the Duke

[1] Walpole says, 'Could punishment be more severe than to be thus scourged by their own instrument? And how singular the fate of Wilkes, that new revenge always presented itself to him when he was sunk to the lowest ebb!'—*Mem.*, iv. 356.

[2] *Ibid.*, 362

[3] *Ibid.*, 359.

[4] [illegible]

of York had been attached to Lady Mary Coke; and now his Majesty was deploring the marriages of his brothers.

King's power over his grand-children.

The prerogative claimed by the crown, in matters concerning the royal family, was already considerable. In 1718, King George I., when in open enmity with his son, the Prince of Wales, maintained that he had power, by virtue of his prerogative, to direct the education of his grandchildren, and even to dispose of them in marriage, to the exclusion of the parental authority of the prince. A question was submitted to the judges; and ten out of the twelve, led by Lord Chief Justice Parker, afterwards Lord Macclesfield, decided in favour of the king's claim.[1] Even the two dissentient judges, who were of opinion that the education of the king's grandchildren belonged to their father, yet held 'that the care and approbation of their marriages, when grown up, belong to the king of this realm.'[2]

Royal Marriage Act, 1772.

It was now proposed to enlarge this prerogative, and extend the king's powers, by the authority of the law. On the 20th of February 1772, a message from the king was delivered to both houses of Parliament, stating that he was desirous 'that the right of approving all marriages in the royal family (which ever has belonged to the kings of this realm, as a matter of public concern) may be made effectual;' and recommending to their

tions that she continued her intercourse with Lord Newbottle.—*Grenv. Papers*, iv. 209.

[1] St. Tr., xv. 1195; Lord Campbell's Lives, iv. p. 521.

[2] St. Tr., xv. 1225.

consideration the expediency of guarding 'the descendants of his late Majesty George II.' (other than the issue of princesses married into foreign families), from marrying without the approbation of the king.

Prerogative claimed in regard to royal marriages.

On the following day, the Royal Marriage Bill was presented to the House of Lords. The preamble affirmed the prerogative, as claimed in the message, to its fullest extent, and the wisdom and expediency of the king's recommendation. The bill provided that no descendant of George II. (except the issue of princesses married into foreign families) should be capable of contracting matrimony, without the king's previous consent, signified under his sign-manual, and declared in council; and that any marriage contracted without such consent, should be null and void. There was a proviso, however,—which it seems had not been contemplated when the message was delivered,—enabling members of the royal family, above twenty-five years of age, to marry without the king's consent, after having given twelve months' previous notice to the Privy Council, unless in the meantime both Houses of Parliament should signify their disapprobation of the marriage. This concession, it is said, was caused by the resignation of Mr. Fox, who intended to oppose the measure, and by the disapprobation of some of the advisers of the crown.[1] It was also provided that any person solemnising, or assisting, or being present at the

[1] Fox's Mem., i. 75 (H. Walpole).

celebration of such prohibited marriages, should incur the penalties of præmunire.

This was unquestionably the king's own measure, and was reluctantly adopted by his ministers. His views of prerogative were exalted; and in his own family, at least, he was resolved that his authority should be supreme. The absolute control which he now sought for, over members of his family of full age, was not a little startling. First, as to his claim of prerogative. Had it ever yet been asserted to the same extent? It had been recognised by the 'grand opinion'—as it was called—of the judges in 1718, so far as regarded the king's grandchildren, but no farther; and it is impossible to read the arguments of the judges in that case, without being impressed with the slender grounds, strained constructions of law and precedent, and far-fetched views of expediency, upon which their conclusion was founded. As a matter of state policy, it may be necessary that the king should be empowered to negotiate alliances for the royal family, and for that purpose should have more than parental authority. But the present claim extended to brothers, of whatever age,—to uncles, and to cousins. So comprehensive a claim could not be at once admitted. This question, therefore, was put to the judges: 'is he king entrusted by law with the care and approation of the marriages of the descendants of his late ajesty George II., other than his present Majesty's n children, during their minorities?' As this estion extended to all descendants of George II., ether within this kingdom or not, nine judges

Question to he judges.

unanimously answered it in the negative; and to another question, more restricted, they replied, 'that the care and approbation of the marriages of the king's children and grandchildren, and of the presumptive heir to the crown (other than the issue of princesses married into foreign families), do belong to the kings of this realm: but to what other branches of the royal family such care and approbation extend, we do not find precisely determined.'[1] It was plain that the bill declared the prerogative to be much more extensive than that allowed by the judges. Yet in spite of their opinion, the lord chancellor, Lord Apsley, with an effrontery worthy of Lord Thurlow, said that 'he would defend every clause, every sentence, every word, every syllable, and every letter' in the bill; and 'would not consent to any amendment whatsoever!' The prerogative, he asserted, was founded in its 'importance to the state:' an argument which might be extended to any other power claimed by the crown, on the same ground.

Arbitrary principles of this Act.

The arbitrary character of the bill was conspicuous. It might be reasonable to prescribe certain rules for the marriage of the royal family: as that they should not marry a subject,—a Roman Catholic,—or the member of any royal house at war with this country, without the consent of the king: but to prescribe no rule at all save the absolute will of the king himself, was a violation of all sound principles of legislation. Again, to extend the

[1] Parl. Hist., xvii. 387.

minority of princes and princesses to twenty-five created a harsh exception to the general law, in regard to marriages.[1] The prohibition of a marriage might continue until the age of twenty-six; and required nothing but the vote of a Parliament subservient to the crown, to render it perpetual: and this not by virtue of any general principle of law, human or divine,—but by the arbitrary will of a superior power.

But the personal will of the king triumphed over all opposition, whether of argument or numbers; and he was implacable against those who opposed it.[2] The bill was passed rapidly through the House of Lords; though not without one protest, signed by fourteen peers, and another signed by seven, in which the most material objections to the measure were concisely expressed. In the Commons the bill met with a more strenuous and protracted opposition:—the Lords' Journals were searched for the opinion of the judges,—and the most serious arguments against the measure were ably and learnedly discussed. But

[1] A squib appeared in answer to the objection that a prince might ascend the throne at eighteen, yet might not marry till twenty-five:

> 'Quoth Tom to Dick,—"Thou art a fool,
> And little know'st of life:
> Alas! 'tis easier far to rule
> A kingdom, than a wife."'—*Parl. Hist.* xvii. 407.

[2] Fox's Mem., i. 75. Lord Chatham said of the Bill, 'the doctrine of the Royal Marriage Bill is certainly new-fangled and impudent, and the extent of the powers given wanton and tyrannical.'—*Letter to Lord Shelburne*, April 3rd, 1772, Corr., iv. 203.

Horace Walpole said, 'Never was an Act passed against which so much and for which so little was said.'—*Fox's Mem.*, i. 81. See also *Walpole's Journ.*, i. 28-71.

it was still carried with a high hand. The doors of the House were closed against all strangers,—peers in vain sought admission below the bar,—and the government even went so far as to refuse the printing of the bill, and supported their refusal by a large majority. No amendment was suffered to be made, except one of pedantic form, suggested by the speaker, that the king's consent to a marriage should be signified under the great seal; and on the 24th March the bill was passed. Attempts have since been made, without success, to repeal this law,[1] and to evade its provisions; but it has been inflexibly maintained.

Secret marriage of the Prince of Wales

In 1785, the Prince of Wales contracted a clandestine marriage with Mrs. Fitzherbert, a Roman Catholic. His marriage being without the king's consent, and consequently invalid, the princely libertine ventured to satisfy the fair lady's scruples, and to indulge his own passions; while he was released from the sacred obligations of the marriage tie, and saved from the forfeiture of his succession to the crown, which would have been the legal consequence of a valid marriage with a Roman Catholic. Even his pretended marriage, though void in law, would have raised embarrassing doubts and discussions concerning the penal provisions of the Bill of Rights; and, if confessed, would undoubtedly have exposed him to obloquy and discredit. The prince, therefore, denied the fact of his marriage; and made his best friend

[1] By Lord Holland, in 1820; Hansard's Debates, New Ser., i. 1099.

the unconscious instrument of this falsehood and deception.[1]

The Duke of Sussex was twice married without the consent of the crown: first, in 1793, to Lady Augusta Murray; and, later in life, to Lady Cecilia Underwood. His first marriage having been solemnised abroad, a question was raised whether it was rendered invalid by the Royal Marriage Act. It was again celebrated in England, where it was unquestionably illegal.

Marriages of the Duke of Sussex.

The king immediately directed a suit of nullity of marriage to be commenced by his proctor, and it was adjudged by the Court of Arches, that the marriage was absolutely null and void.[2]

In 1831, the law officers of the crown were consulted by the government as to the validity of this marriage; and their opinions confirmed the judgment of the Court of Arches. On the death of the Duke of Sussex in 1843, Sir Augustus D'Este, the son of his Royal Highness by this marriage, claimed the dukedom and other honours of his father. The marriage had been solemnised at Rome in 1793, according to the rights of the Church of England, by a clergyman of that establishment, and would have

[1] Parl. Hist., xxvi. 1070. See an excellent letter from Mr. Fox to the Prince, Dec. 10th, 1785, dissuading his Royal Highness from the marriage.—*Fox's Mem.*, ii. 278, 284, 287. The prince confessed his marriage to Lord Grey; *Ibid.*, 289. Lord J. Russell's Life of Fox, ii. 177, *et seq.* Lord Holland's Mem. of the Whig Party, ii. 123–142, 148. Langdale's Mem. of Mrs. Fitzherbert. The general incidents of this discreditable marriage do not fall within the design of this work: but a most animated and graphic narrative of them will be found in Mr. Massey's History, vol. iii. 315–331.

[2] Heseltine v. Lady A. Murray, Addam's Reports, ii. 400; Burn's Eccl. Law, ii. 433; Ann. Reg. 1794, p. 23.

been a valid contract between British subjects but for the restrictions of the Royal Marriage Act; and it was contended before the House of Lords, that the operation of that Act could not be extended beyond the British dominions. But it was the unanimous opinion of the judges,—in which the House of Lords concurred,—that the prohibition of the statute was personal, and followed the persons to whom it applied, out of the realm, and beyond the British jurisdiction. It was accordingly decided that the claimant had not made out his claim.[1]

Education of Princess Charlotte, 1804

The prerogative of the king to direct the education of his grandchildren, which had been established in 1718, was again asserted in 1804. The king claimed the guardianship of the Princess Charlotte; and the Prince of Wales, her father, perplexed with divided councils, was long in doubt whether he should concede or contest the right.[2] At length, he appears to have agreed that the king should have the direction of the princess's education. The understanding not being very precise, a misapprehension arose as to its conditions; and it was said that the prince had withdrawn from his engagement.'[3] But Mr. Pitt ultimately

arranged this difference by obtaining the removal of the princess to Windsor, without excluding the prince from a share in the control of her education.[1]

Nov. 26th, Dec. 1st and 11th, 1804; Court and Cab. of Geo. III., iii. 372, 385, 389, 391.

[1] *Ibid.*, 395, 398. Lord Colchester's Diary, i. 531. Lord Stanhope's Life of Pitt, iv. 229, 254.

CHAPTER V.

THE HOUSE OF LORDS:—CONSTANT ADDITIONS TO ITS NUMBERS:—PROFUSE CREATIONS IN THE REIGN OF GEORGE III. AND SINCE:—REPRESENTATIVE PEERS OF SCOTLAND AND IRELAND:—REPRESENTATIVE CHARACTER OF THE PEERAGE:—LIFE PEERAGES:—THE BISHOPS:—POLITICAL POSITION OF THE HOUSE OF LORDS:—ITS ENLARGEMENT A SOURCE OF POWER:—THREATENED CREATION OF PEERS TO CARRY THE REFORM BILL:—THE ARISTOCRACY, AND CLASSES ASSOCIATED WITH IT.

NOTHING in the history of our constitution is more remarkable than the permanence of every institution forming part of the government of the country, while undergoing continual, and often extraordinary changes in its powers, privileges, and influence. The crown, as we have seen, remains with all its prerogatives undiminished, and with its sources of influence increased: yet in the exercise of its great powers by responsible ministers, it has been gradually controlled by Parliament and public opinion, until the authority of the crown in government and legislation bears as little resemblance to the sway of the Tudor and Stuart kings, as to that of Louis XIV.

Permanence of British institutions.

So also the House of Lords continues to hold its high place in the state, next to the crown, and still enjoys the greater part of its ancient privileges. Yet no institution has undergone greater changes. In its numbers, its composition, and its influence, it is difficult to recognise its

identity with the 'Great Council' of a former age. But the changes which it has undergone have served to bring this great institution into harmony with other parts of the constitution, and with the social condition of the people, upon which time has worked equal mutations.

Constant additions to its numbers.

The continual additions which have been made to the number of temporal peers, sitting in Parliament, have been so remarkable as to change the very constitution and character of the House of Lords. No more than twenty-nine temporal peers received writs of summons to the first Parliament of Henry VII.; and this number had increased at the death of Queen Elizabeth to fifty-nine. The Stuarts were profuse in their creations,[1] and raised the number of the peerage to about one hundred and fifty;[2] which William III. and Queen Anne further increased to one hundred and sixty-eight.[3] In the latter reign no less than twelve peers were created at once, to secure a majority in favour of the court, which they did on the very day of their introduction.[4]

Representative peers of Scotland.

[1] James I. created sixty-two; Charles I., fifty-nine; Charles II., sixty-four; and James II., eight; being a total number of one hundred and ninety-three; but during these reigns ninety-nine peerages became extinct, and thus the total addition to the peerage was ninety-four. From returns delivered to the House of Lords in 1719. As many of these peerages were sold by James I. and Charles II., it is surprising that the creations were not even more numerous.

[2] In 1661, one hundred and thirty-nine lords were summoned. In 1696, the total number of temporal peers, exclusive of minors, Roman Catholics, and non-jurors, was about one hundred and forty.—*Macaulay's Hist.*, iv. 753.

[3] See list of one hundred and fifty-seven Peers in the first Parliament of George I., capable of voting.—*Parl. Hist.*, vii. 27.

[4] 2nd January, 1711. Lords' Journ., xix. 353; Somerville's

In this same reign were also added, on the Union with Scotland, sixteen representative peers,—a number scarcely adequate to represent an ancient peerage, little-less numerous than that of England,[1] in a House of Lords, in which sat twenty-six bishops to make laws for Presbyterian Scotland. But if some injustice was then done to the Scottish peerage, it has since been amply redressed, as will be seen hereafter.

The Peerage Bill of 1719

This rapid increase of the peerage had been regarded with much jealousy by that privileged body, whose individual dignity and power were proportionately diminished. Early in the reign of George I., several new creations further aroused the apprehensions of the peers; and, in 1719, partly to gratify their lordships,—but more, perhaps, to further party objects,[2]—a bill was brought into the House of Lords by the Duke of Somerset, proposing an extraordinary limitation of the royal prerogative,—to which the king himself was induced to signify his consent. The crown was to be restrained from the creation of more than six beyond the existing number of one hundred and seventy-eight peerages,—the power being still reserved of creating a new peerage whenever a peerage should

Queen Anne, 460; Swift's Four Last Years of Queen Anne, 44; Smollett's Hist., ii 224

[1] There were one hundred and fifty-four Scottish Peers at the time of the Union. The roll is printed in Lords' Journ., xviii 458. Lord Haversham said upwards of one hundred peers would be disfranchised

[2] The Prince of Wales was supposed not to be friendly to the Whig party then in power, which was said to be the reason why Lord Sunderland persuaded the king to consent to the bill.

become extinct; and instead of sixteen representative peers of Scotland, it was proposed that twenty-five hereditary peers should have seats in the House of Lords. This bill soon reached a third reading; but not until it had raised so much dissatisfaction in the House of Commons and the country, that its promoters thought prudent to abandon it. In the next session, however, another bill was introduced, by the Duke of Buckingham, and sent down to the Commons; where, after an effectual exposure of its unconstitutional character,—especially by Sir Richard Steele, and Sir Robert Walpole,—it was rejected by a majority of two hundred and sixty-nine voices, against one hundred and seventy-seven.[2] It was, in truth, an audacious attempt to limit the prerogative of the crown, and discourage the granting of just rewards to merit, for the sake of perpetuating a close aristocratic body,—independent of the crown, and irresponsible to the people.

Number of peers sitting in Parliament 1760.

The first two kings of the House of Hanover continued to make occasional additions to the peerage, which on the accession of George III. amounted to one hundred and seventy-four. Of this number, thirteen minors, and twelve Roman Catholics, were incapable of sitting and voting in Parliament.[3]

[1] Parl. Hist., vii. 589–594. Coxe's Life of Walpole, i. 116.

[2] Parl. Hist., vii. 606–627. Coxe's Life of Walpole, i. 117–125; ii. 551. Sir Robert Walpole also opposed the measure in a pamphlet entitled, 'The Thoughts of a Member of the Lower House in relation to a project for restraining and limiting the power of the Crown in the future creation of Peers.' Steele likewise opposed it in 'The Plebeian,' while Addison warmly supported it in 'The Old Whig.'

[3] Court and City Register for 1760.

Great as had been the additions to the peerage since the reign of Queen Elizabeth, they were destined to be far exceeded in this and succeeding reigns. The creation of peers, having become an expedient for increasing the influence of the crown, and the strength of parties, was freely resorted to by successive ministers. In the first ten years of this reign forty-two peers were created, or raised to a higher order in the peerage.[1]

Profuse creations in the reign of George III

Lord North was liberal in the creation of peers, with a view to strengthen his own position as minister, and to carry out the policy of the court. In 1776, before the continued arrears of the civil list were again brought before Parliament, twelve new peers were created, one baron was raised to the dignity of a viscount, and three were promoted to earldoms.[2] In 1780, he created seven new barons.[3] During his administration he created or promoted about thirty British peers.[4] In Ireland, he distributed honours still more liberally. In 1777 he created eighteen barons, and raised seven barons and five viscounts to higher dignities in the peerage.[5]

Creations by Lord North

Mr. Pitt, himself disdaining honours,[6] dispensed them to others with greater profusion than any former minister. During the first five

Creations by Mr. Pitt.

[1] Beatson's Political Index, i. 133.
[2] Lord North's Administration, 257. Walpole's Journ., ii. 31. Donne's Corr. of George III with Lord North, ii. 22.
[3] Walpole's Journ., ii 426.
[4] Beatson's Political Index, i 137.
[5] Walpole called them 'a mob of nobility.' Journ , ii. 58
[6] In 1790 he declined the Garter, which the king pressed him to accept.—*Lord Stanhope's Life of Pitt*, ii. 85; *Ibid*, *App.*, xiii.

years of his administration, he had created nearly fifty peers, and secured a safe majority.[1] The influence he had himself derived from thus gratifying his supporters, suggested to him the precaution of restricting the regent in the exercise of this prerogative. This restriction he proposed to extend to the entire period of the regency, which, however, he trusted would be of short duration. Having created peers to consolidate his own power, he was unwilling to leave the same instrument in the hands of his opponents. Had his proposal taken effect, such a restraint,—extending over the whole regency,—was open to many of the objections which are admitted to apply to the more extensive limitation contemplated in 1719. It was said by Mr. Pitt that the exercise of the prerogative was required to reward merit, to recruit the peerage from the great landowners and other opulent classes, and to render the crown independent of factious combinations among the existing peers.[2] All these grounds were as applicable to the regency as to any other time: while the fact of a powerful minister having recently made so large an addition to the House of Lords from his own party, was the strongest argument against the proposed restriction. To tie up the hands of the regent, was to perpetuate the power

Restriction proposed upon the regent, in 1788.

Restriction during the regency of 1811.

[1] In the debates upon the Regency, Mr. Fox said forty-two, and Mr. Sheridan forty-eight. From Beatson's Political Index (i. 140) the latter statement appears to be strictly accurate. Parl. Hist., xxvii. 967, &c.

[2] His speech on the 16th Jan. 1789, is so imperfectly reported, that his reasoning can only be gathered from the context of the debate, in which his observations are adverted to.

of the minister. A similar condition was afterwards imposed upon the regent in 1810: but, being limited to one year, was exposed to less objection.

Continued creations by Mr Pitt

In 1792, when Mr. Pitt had been eight years in power, he had created between sixty and seventy peers,[1] of whom the greater part owed their elevation to the parliamentary support which they had themselves given to the minister, or to their interest in returning members to the House of Commons. In 1796 and 1797, he created and promoted no less than thirty-five peers,—within the space of two years.[2] And, in 1801, he had created or promoted, during the seventeen years of his administration, upwards of one hundred and forty peers, sitting by hereditary right.[3] Can we wonder if some of these were unworthy of nobility?[4] He also introduced as members of that body, in 1801, the Irish representative peers and bishops. It was not without misgivings that the king and Mr. Pitt consented to so great an extension of the peerage:[5] but it was forced upon them by the importunity of

[1] Mr. Sheridan's speech on Parliamentary Reform, April 30th, 1792. Mr. Courtenay, speaking in 1792, said: 'It had been a matter of complaint that twenty-eight peers had been made in the reign of George I., which, it was argued, would destroy the balance of power in the other branches of the constitution.' But Pitt 'had created three times as many.' Parl Hist., xxix. 1494 The number of creations and promotions appears to have been sixty-four. Beatson's Political Index, i. 144

[2] Beatson's Political Index, i. 147. Lord Stanhope's Life of Pitt, iii. 80.

[3] Beatson's Political Index, i. 149, *et seq* Collins' Peerage, by Sir Egerton Brydges, viii

[4] Parl. Hist., xxvii. 1198, xxix 1330, xxxiii. 1197; Butler's Rem., i 76

[5] Stanhope's Life of Pitt, i. 307, App. xxi., and see Wraxall's Mem., iii. 149.

friends and partisans,—by the rivalry of old and new families,—and by the just claims of merit and public service. Meanwhile, a host of Tory nobles in one house, and their nominees in the other, were sure allies and champions of the court.

Representative peers of Ireland.

The peerage of Ireland, on the union of that country, was dealt with, in some measure, upon different principles from that of Scotland. The principle of representation was followed; twenty-eight representative peers being admitted to seats in the Parliament of the United Kingdom. But they were elected, not for the Parliament only, as in Scotland, but for life. Again, no Scottish peers could be created after the Union: but the peerage of Scotland was perpetuated, as an ancient and exclusive aristocracy. It was otherwise with Ireland. It was admitted that the peerage of that country was too numerous, and ought gradually to be diminished; and with this view, the royal prerogative was so far restricted, that one Irish peer only can be created, whenever three Irish peerages,—in existence at the time of the Union,—have become extinct. But the object of this provision being ultimately to reduce the number of Irish peers,—not having hereditary seats in Parliament,—to one hundred, it was also provided that when such reduction had been effected, one new Irish peerage may be created as often as a peerage becomes extinct, or as often as an Irish peer is entitled, by descent or creation, to a peerage of the United Kingdom.[1]

[1] In 1859, the Irish peerage consisted, besides the King of Hanover and one Peeress, of 193, of whom 73 are also English peers.

Permission to Irish peers to sit in the House of Commons

Another peculiar arrangement, made on the union of Ireland, was the permission granted to Irish peers of sitting in the House of Commons for any place in Great Britain,—a privilege of which they have extensively availed themselves.[1]

Irish representative bishops

At the same time, an addition of four lords spiritual was made to the House of Lords, to represent the episcopal body of Ireland, and to sit by rotation of sessions; of whom an archbishop of the Church in Ireland was always to be one.[2] At the union there were twenty bishoprics and archbishoprics of the Church in Ireland; but provision was made in 1833, by the Church Temporalities Act, for the reduction of that number to ten[3]

Peerages of the United Kingdom.

Since the union, further additions have continually been made to the Peerage of the United Kingdom; and an analysis of the existing peerage presents some singular results. In

It will probably be more than a century before the number is reduced to 100. Note to Lord Cornwallis' Corr., iii. 214

[1] By the Reform Bill of 1860, it was proposed to extend this privilege to places in Ireland, as well as Great Britain. In 'A

1860, the House of Lords consisted of four hundred and sixty lords, spiritual and temporal.

Summary of creations.

The number of hereditary peers of the United Kingdom had risen to three hundred and eighty-five, exclusive of the peers of the blood royal. Of these peerages, one hundred and twenty-eight were created in the long reign of George III.;[1] forty-two in the reign of George IV.;[2] and one hundred and seventeen since the accession of William IV.[3] Thus two hundred and eighty-seven peerages were created, or raised to their present rank, since the accession of George III.; or very nearly three-fourths of the entire number. But this increase is exhibited by the existing peerage alone,—notwithstanding the extinction or merger of numerous titles, in the interval. The actual number of creations during the reign of George III. amounted to three hundred and eighty-eight; or more than the entire present number of the peerage.[4]

Antiquity of the peerage.

No more than ninety-eight of the peerages existing in 1860 could claim an earlier creation than the reign of George III.: but this fact is an imperfect criterion of the antiquity of the peerage. When the possessor of an ancient dignity

[1] Viz., two dukes, thirteen marquesses, thirty-eight earls, eight viscounts, and sixty-seven barons.

[2] One duke, two marquesses, seven earls, three viscounts, twenty-nine barons.

[3] Two dukes, five marquesses, twenty earls, six viscounts, eighty-four barons.

[4] The following Table, prepared by the late Mr. Pulman, Clarencieux King of Arms, was placed at my disposal by the kindness of his son:

is promoted to a higher grade in the peerage, his lesser dignity becomes merged in the greater, but more recent title. An earl of the fifteenth century, is transformed into a marquess of the nineteenth. Many of the families from which existing peers are descended, are of great antiquity; and were noble before their admission to the peerage. Nor must the ancient nobility of the Scottish peerage be forgotten in the persons of those high-born men, who now figure on the roll, as peers of the United Kingdom, of comparatively recent creation.

Numerous claims to peerages

Great as this increase of peerages has been, it has borne no proportion to the demands made upon the favour of the crown. We find in Lord Malmesbury's Diary for 1807 this entry:—'Lord Whitworth and Mr. Heathcote (Sir William's son) urged me to apply for peerages. I told them truly, there were no less than fifty-three candidates for peerage, and to none of which the king would

Statement showing the number of Peerages created within periods of Twenty Years from 1700 to 1821.

	Dukes	Marquesses	Earls	Viscounts	Barons
From 1700 to 1720 inclusive	22	14	33	30	58
" 1721 to 1740 "	2	3	14	8	19
" 1741 to 1760 "	2	1	24	15	34
" 1761 to 1780 "	4	1	14	9	46
" 1781 to 1800 "	4	10	24	23	91
" 1801 to 1821 "	3	8	37	34	80
	37	37	146	119	32

Total number of peerages created, 667; of which 389 were cr between 1761 and 1821. From 1830 to 1860, 153 peerages (incl promotions) were created. From 1861 to 1870 inclusive, 50 were created.—*Parl. Return*, No 81, 1871.

listen.'[1] And every minister since that time, has probably been obliged to resist the solicitations of not less than ten earnest claimants, for every peerage which he has advised the crown to bestow. When Lord Grey was contemplating the creation of nearly one hundred peers in 1832, there was no lack of candidates, although the occasion was neither flattering to their self-esteem, nor free from offensive imputations. And, more recently, another minister discovered, in a single year, that upwards of thirty of his supporters were ambitious of the peerage, as an acknowledgment of their friendship towards himself, and devotion to his party.

Changes in the composition of the Peerage.

With this large increase of numbers, the peerage has undergone further changes, no less remarkable, in its character and composition. It is no longer a council of the magnates of the land,—the territorial aristocracy, the descendants or representatives of the barons of the olden time; but in each successive age, it has assumed a more popular and representative character. Men who have attained the first eminence in war and diplomacy, at the bar or in the senate,—men wisest in council, and most eloquent in debate,—have taken their place in its distinguished roll; and their historic names represent the glories of the age from which they sprung. Men who have amassed fortunes in commerce, or whose ancestors have enriched themselves by their own industry, have also been admitted to the privileged circle of the peerage.

[1] Lord Malm. Diary, iv. 397.

Men of the highest intellects, achievements, and wealth, the peerage has adopted and appropriated to itself: men of secondary pretensions, it has still left to the people.

Its representative character

A body so constantly changed, and recruited from all classes of society, loses much of its distinctive hereditary character. Peers sitting in Parliament by virtue of an hereditary right, share their privilege with so many, who by personal pretensions have recently been placed beside them, that the hereditary principle becomes divested of exclusive power, and invidious distinction.

Extension of the representative principle

At the same time, the principle of representation has been largely introduced into the constitution of the House of Lords. The sixteen representative peers of Scotland, elected only for a Parliament; the twenty-eight representative peers of Ireland, elected for life, —form a body as numerous as the entire peerage in the time of Henry VIII. And when to these are added the twenty-six English bishops, holding their seats for life,—the total number of Lords not sitting by virtue of hereditary right, becomes a considerable element in the constitution of the Upper House.[1]

Disproportion between hereditary and representative peers.

In analysing these numbers, however, the growing disproportion between the representative lords and the hereditary peers cannot fail to be apparent. If sixteen Scottish peers were deemed an inadequate represen-

[1] There are seventy lords of Parliament not sitting by hereditary right

tation of the ancient peerage of Scotland in the reign of Anne,—what are they now, when the peerage of the United Kingdom has been trebled in numbers? But this inequality,—apparently excessive,—has been corrected by the admission of Scottish peers to hereditary seats in the British House of Lords. In 1860 there were seventy-eight Scottish peers,[1] of whom no less than forty,—or more than half,—sat in Parliament by virtue of British peerages created in their favour since the union.

Scottish peers created peers of Great Britain.

Great was the jealousy with which the House of Lords at first regarded the admission of Scottish peers to the peerage of Great Britain. In 1711, the Duke of Hamilton was created Duke of Brandon, of the peerage of Great Britain: when the Lords declared, by a majority of five, that no patent of honour granted to any peer of Great Britain who was a peer of Scotland at the time of the Union, entitled such peer to sit and vote in Parliament, or to sit upon the trial of peers.[2] The undoubted prerogative of the queen was thus boldly set aside for a time, by an adverse determination of the House of Lords.

Their right to sit denied.

At the time of this decision, the Duke of Queensberry was sitting by virtue of a British peerage, created since the union. The determination of the Lords prevented, for

Rights of Scottish Peers admitted.

[1] There were also two peeresses, and the Prince of Wales, who is Duke of Rothesay.

[2] Lords' Journ., xix. 346; Peere Williams, i. 582; Burnet's Own Time, vi. 86; Somerville's Queen Anne, 549.

many years, the direct admission of any other Scottish peers to the peerage of Great Britain; but this restriction was cleverly evaded by frequent creations of their eldest sons, who, having obtained seats in the House of Lords, succeeded, on the death of their fathers, to their Scottish peerages.[1] At length, in 1782, the question of the disability of Scottish peers to receive patents of peerage in Great Britain, was referred to the Judges, who were unanimously of opinion that no such disability had ever been created by the Act of Union. The Lords, therefore, reversed the decision of 1711; and henceforth Scottish peers were freely admitted to the ranks of the British peerage.[2]

When Scottish peers their right to be representative peers cease.

In 1787, another important question arose, affecting the rights of the Scottish peerage. It had been the plain intention of the Act of Union, that the peers of Scotland, who were denied a seat in the Parliament of Great Britain, should be entitled to representation by members of their own body, subject to the same political conditions as themselves. The right of the crown to admit Scottish peers to the peerage of Great Britain having at length been recognised, the king exercised the right in favour of the Earl of Abercorn and the Duke of Queensberry,—both of whom were sitting, at that time, in the House of Lords as representative peers of Scotland. That these noblemen, who now sat by hereditary right,

[1] Walpole's Mem. of Geo. III., ii. 412.
[2] 6th June, 1782, Lords' Journ., xxxvi. 517.

should continue to be the representatives of the Scottish peerage, was a constitutional anomaly which could not easily be maintained. As well might it have been contended that a member of the Lower House continued to represent the constituents by whom he had been elected, notwithstanding his elevation to a seat in the House of Peers. In 1736, indeed, the Duke of Athol had inherited the Barony of Strange, and had continued to sit as a representative peer, without any decision of the House of Lords, or any question being raised concerning his legal position. But now Lord Stormont brought the matter before the House of Lords, in a clear and unanswerable argument; and though he was boldly opposed by Lord Thurlow, the House resolved that the Earl of Abercorn and the Duke of Queensberry had ceased to sit as representatives of the peerage of Scotland.[1]

The two peers thus disqualified from sitting as representatives, immediately proceeded to vote as Scottish peers for their successors, in contravention of a resolution of the House of Lords, in 1708. An attempt was made to defend their right to vote, and to cast doubts upon the former determination of the House: but the Lords were not to be convinced; and directed a copy of the resolution of January 21, 1708–9, to be transmitted to the Lord Registrar of Scotland, with an 'injunction to him that he do conform thereto.'[2] For a time this order was

[1] Lords' Journ., xxxvii. 594; Parl. Hist., xxvi. 596.
[2] Parl. Hist., xxvi. 1158 (May 18, 1787); Lords' Journ., xxxvii. 709.

served : but in 1793, it was superseded by another cision ; and since that time, all peers of Scotland ave been permitted to vote for representatives.[1]

Present position of the Scottish peerage

Meanwhile, the admission of Scottish peers to hereditary seats in the House of Lords, is tending to a singular result. At no distant period, the Scottish peerage will probably become absorbed in that of the United Kingdom. One half their number have already been absorbed: more may hereafter be admitted to the House of Lords; and, as no new creations can be made, we may foresee the ultimate extinction of all but sixteen Scottish peers, not embraced in the British peerage. These sixteen peers, instead of continuing a system of self-election, will then probably be created hereditary peers of Parliament. The Act of Union will have worked itself out; and a Parliamentary incorporation of the two countries will be consummated,—more complete than any which the most sanguine promoters of the Union could, in their visions of the future, have foreshadowed.

Present position of the Irish peerage.

A similar absorption of the Irish peerage into the peerage of the United Kingdom has also been observable, though, by the terms of the Act of Union, the full number of one hundred Irish peers will continue to be maintained. In 1860, there were one hundred and ninety-three Irish peers,[2] of whom seventy-one had seats in Par-

[1] Cases of Duke of Queensberry and Earl of Abercorn, 6th June, 1793. Lords' Journ., xxxix 726.

[2] There is also one peeress; and the King of Hanover is Earl of Armagh in the peerage of Ireland.

liament, as peers of the United Kingdom. Thus, the peers of Ireland sitting in Parliament,—including the representative peers,—amounted to ninety-nine.

Fusion of the peerages of the three kingdoms.

By this fusion of the peerages of the three kingdoms, the House of Lords has grown at once more national, and more representative in its character. As different classes of society have become represented there, so different nationalities have also acquired a wider representation. Nor ought it to be overlooked that Scotland and Ireland are further represented in the House of Lords by numerous commoners, of Scottish and Irish birth, who have been raised to the dignity of the peerage for distinguished services, or other eminent qualifications.

Hereditary character of the peerage.

But all temporal peers,—whether English, Scottish, or Irish, and whether sitting by hereditary right or by election,—have been ennobled in blood, and transmit their dignities to their heirs. Hereditary descent has been the characteristic of the peerage, and—with the exception of the bishops—of the constitution of the House of Lords.

Defects in the appellate jurisdiction of the Lords.

In 1856, however, Her Majesty was advised to introduce among the hereditary peers of the realm, a new class of peers, created for life only. Well-founded complaints had been made of the manner in which the appellate jurisdiction of the House of Lords had been exercised. The highest court of appeal was often without judges, their place being filled by peers unlearned

in the law, who sat as members of the court, without affecting to participate in its judgments. This had been an evil of long standing; though it had not, until lately, aroused the vigilance of suitors and the public. For some years after the Revolution, there had not been a single law-lord in the House,—Lord Somers having heard appeals as Lord Keeper. When that distinguished lawyer was at length admitted to a seat in the House of Peers, he was the only law-lord. During the greater part of the reigns of George II. and George III., appeals had been heard by *Lord Hardwicke, Lord Mansfield*, Lord Thurlow, and Lord Eldon, sitting in judicial solitude,—while two mute, unlearned lords were to be seen in the background, representing the collective wisdom of the court. In later times a more decorous performance of *judicial duties had been exacted* by public opinion; and frequent changes of administration having multiplied ex-chancellors, the number of law-lords was greater than at former periods. But in an age in which reforms in the administration of justice had become an important department of legislation, and a subject of popular interest, theoretical improvements, at least, were demanded in the constitution of the first court of appeal.

As an expedient for adding to the judicial strength of the House, without a permanent increase of its numbers, it was suggested that the most eminent judges might be admitted to the privilege of sitting there, for life only. The practice of granting peerages for life was not a constitutional

Life-peerages.

novelty, but had long fallen into desuetude. Between the reigns of Richard II. and Henry VI., several precedents were to be found of the creation of life-peerages. Some of these, however, had been made,—like many other peerages of that period,—in full Parliament: some had been granted to peers already entitled to sit in Parliament by hereditary right: some peers so created had never sat in the House of Peers: one had been a foreigner, who could not claim a seat by virtue of his title: and, for upwards of four hundred years, there was no instance on record, in which any man had been admitted to a seat in the House of Lords, as a peer for life. But there were many later instances in which ladies had received life-peerages. Charles II. had created the beautiful Louise-de Querouaille, Duchess of Portsmouth for life; James II. had created Catherine Sedley a baroness, by the same tenure; George I. had raised Madame de Schulemberg to the rank of Duchess of Kendal for life, and had conferred a life-peerage upon her niece;[1] and George II. had made Madame Walmoden Countess of Yarmouth for life. Between the reign of James I. and that of George II., peerages for life had been granted to no less than eighteen ladies. But as the fair sex are unable to sit in Parliament, this class of peerages could not be relied upon, in support of the right of the crown to introduce life-peers into the House of Lords.

Life-peerages to women.

There was, however, another class of peerages,

[1] Or reputed daughter, the Countess of Walsingham.

whence a strong argument was derived in favour of the royal prerogative. Though peerages in their general character have been hereditary,—descending like estates to the elder son,—yet peerages have been continually granted to persons, with remainder to collateral relatives, or to the elder son of the peer by a second wife, or to the son of a younger brother, or other relative not in the direct line of succession, as heir at law. All grants of this class—being governed, not by the general law of descent, but by the special limitations in the patent—were exceptions from the principle of hereditary succession. The first grantee was, in effect, created a peer for life, though the second grantee became *entitled to the peerage*, subject to the ordinary rights of succession. But the grant of a peerage of this class was plainly distinguishable from a peerage for life, as it provided—though in an exceptional manner—for the duration of the dignity beyond the life of the first grantee. It was indeed maintained that such peerages afforded further evidence against the legality of life-peerages, as they had been constantly granted, without objection, while none of the latter had been created for centuries.

Peerages with remainders over

But if these precedents and analogies were obsolete, or of doubtful application, the legality of life-peerages had been recognised by nearly all constitutional authorities. Lord Coke had repeatedly affirmed the doctrine, that the crown may create peerages 'for life, in tail, or in fee:' the learned Selden had referred to the ancient

Authorities in support of life-peerages.

custom without comment: Chief Baron Comyns and *Cruise had accepted the authority* of Coke as unquestioned law: the popular Blackstone had repeated and enforced it;[1] and, lastly, Lord Redesdale's committee, 'On the dignity of a Peer,' in 1822, had acknowledged it without reserve.[2] Butler was the only eminent writer who had expressed any doubt upon the subject.[3] The doctrine had also been generally received among statesmen as well as lawyers. Lord Liverpool's administration, impressed with the necessity of improving the appellate jurisdiction of the Lords, had, at one time, unanimously resolved to create life-peers. In 1851, the government of Lord John Russell had offered a life-peerage to Dr. Lushington, the distinguished judge of the Admiralty Court, who, by a late statute, had been denied the privilege of sitting in the House of Commons. In the Devon peerage case, Lord Brougham had stated from the woolsack, as chancellor, that the crown had not only the power of creating a peerage for the life of the grantee himself, but for the life of another person; and upon a more recent occasion, Lord Campbell had laid it down in debate, that the 'crown might create, by its prerogative, a peerage for life, but not a peerage during a man's continuance in office: that would

1 'For a man or woman may be created noble for their own lives, and the dignity not descend to their heirs at all, or descend only to some particular heirs, as where a peerage is limited to a man and the heirs male of his body, by Elizabeth, his present lady, and not to such heirs by any former or future wife.'—*Steph. Blackstone*, ii. 589.

2 3rd Rep. 37, 38.

3 Coke's Inst., 19th edit., by Hargrave and Butler.

require an enactment of the three branches of the legislature.'[1]

Relying upon these precedents and authorities, ministers advised her Majesty, before the meeting of Parliament in 1856, to issue letters patent to Sir James Parke, lately an eminent baron of the Court of Exchequer, creating him Baron Wensleydale for life. The letters patent were issued: but the peers loudly protested against the intrusion of a life-peer to sit amongst the hereditary nobles of the realm. An untimely fit of the gout disabled Lord Wensleydale from presenting himself with his writ of summons, on the first day of the session; and on the 7th of February, Lord Lyndhurst proposed, in a masterly speech, to refer his exceptional patent to the Committee of Privileges.

The Wensleydale peerage

Throughout the learned debate which followed, the abstract prerogative of the crown to create a life-peerage was scarcely questioned; but it was denied that such a peerage conferred any right to sit in Parliament. It was treated as a mere title of honour, giving rank and precedence to its possessor, but not a place in an hereditary legislative chamber. The precedents and authorities in support of life-peerages were exposed to a searching criticism, which failed, however, to shake the position that the crown had, in former times, introduced life-peers to sit in the House of Lords. But it was admitted on all sides, that no such case had occurred for upwards of four

Arguments for and against it.

[1] Hans Deb., June 27th, 1851, 3rd Series, cxvii 1312.

hundred years. Hence arose a most difficult question of constitutional law. Had the ancient prerogative of the crown been lost by desuetude; or could it be exercised, if the Queen thought fit to revive it? The ministers, relying upon the maxim, '*nullum tempus occurrit regi*,' argued that there could be no loss of prerogative by lapse of time. But their opponents forcibly contended that the crown could not alter the settled constitution of the realm. In ancient times,—before the institutions of the country had been established by law and usage,—the crown had withheld writs of summons from peers who were unquestionably entitled, by inheritance, to sit in Parliament: the crown had disfranchised ancient boroughs by prerogative; and had enfranchised new boroughs by royal charter. What would now be said of such an exercise of the prerogative? By constitutional usage, having the force of law, the House of Lords had been for centuries a chamber consisting of hereditary councillors of the crown, while the House of Commons had been elected by the suffrages of legally qualified electors. The crown could no more change the constitution of the House of Lords by admitting a life-peer to a seat in Parliament, than it could change the representation of the people, by issuing writs to Birkenhead and Staleybridge, or by lowering the franchise of electors.

Passing beyond the legal rights of the crown, the opponents of life-peerages dilated upon the hazardous consequences of admitting this new class of peers. Was it probable that such peerages would be con-

fined to law-lords? If once recognised, would they not be extended to all persons whom the ministers of the day might think it convenient to obtrude upon the House of Lords? Might not the hereditary peers be suddenly overpowered by creatures of the executive government,—not ennobled on account of their public services, or other claims to the favour of the crown, but appointed as nominees of ministers, and ready to do their bidding? Nay! might not the crown be hereafter advised to discontinue the grant of hereditary peerages altogether, and gradually change the constitution of the House of Lords *from an hereditary assembly, to a dependent senate nominated for life only?* Nor were there wanting eloquent reflections upon the future degradation of distinguished men, whose services would be rewarded by life-peerages instead of by those cherished honours which other men,—not more worthy than themselves,—had enjoyed the privilege of transmitting to their children. Sitting as an inferior caste, among those whom they could not call their peers, they would have reason to deplore a needless innovation, which had denied them honours to which their merits justly entitled them to aspire.

Decision of the Lords.

Such were the arguments by which Lord Wensleydale's patent was assailed. They were ably combated by ministers; and it was even contended that without a reference from the crown, the Lords had no authority to adjudicate upon the right of a peer to sit and vote in their House; but, on a division, the patent was referred to the Com-

mittee of Privileges, by a majority of thirty-three.[1] After an inquiry into precedents, and more learned and ingenious debates, the committee reported, and the House agreed, 'that neither the letters patent, nor the letters patent with the usual writ of summons issued in pursuance thereof, can entitle the grantee to sit and vote in Parliament.'[2]

Some hereditary peers, who concurred in this conclusion, may have been animated by the same spirit of jealousy which, in 1711, had led their ancestors to deny the right of the crown to admit Scottish peers amongst them, and in 1719 had favoured a more extensive limitation of the royal prerogative: but with the exception of the lord chancellor,—by whose advice the patent had been made out,—all the law-lords of both parties supported the resolution, which has since been generally accepted as a sound exposition of constitutional law. Where institutions are founded upon ancient usage, it is a safe and wholesome doctrine that they shall not be changed, unless by the supreme legislative authority of Parliament. The crown was forced to submit to the decision of the Lords; and Lord Wensleydale soon afterwards took his seat, under a new patent, as an hereditary peer of the realm.

Further proceedings in relation to life-peerages.

But the question of life-peerages was not immediately set at rest. A committee of the Lords having been appointed to inquire into the appellate jurisdiction of that House, recommended that her Majesty

[1] Content, 138; not content, 105. Hans. Deb., 3rd Ser., cxl. 263.

[2] *Ibid.*, 1152 *et seq.*; Report of Committee of Privileges; Clark's House of Lords' Cases, v. 958.

should be empowered by statute, to confer life-peerages upon two persons who had served for five years as judges, and that they should sit with the lord chancellor as judges of appeal and 'deputy speakers.' A bill, founded upon this recommendation, was passed by the House of Lords; but after much discussion, it miscarried in the House of Commons.[1]

Lords spiritual.

In reviewing the rapid growth of the temporal peers sitting in Parliament, it is impossible not to be struck with the altered proportions which they bear to the lords spiritual, as compared with former times. Before the suppression of the monasteries by Henry VIII., in 1539, when the abbots and priors sat with the bishops, the lords spiritual actually exceeded the temporal lords in number. First in rank and precedence,—superior in attainments,—exercising high trusts and extended influence,—they were certainly not inferior, in political weight, to the great nobles with whom they were associated. Even when the abbots and priors had been removed, the bishops alone formed about one third of the House of Lords. But while the temporal lords have been multiplied since that period about eight-fold, the English bishops sitting in Parliament have only been increased from twenty-one to twenty-six,—to whom were added, for a time, the four Irish bishops. The ecclesiastical element in our legislature has thus become relatively inconsiderable and subordinate. Instead of being a third of the House of Lords, as in former times, it now

[1] Hans. Deb., 3rd Ser., cxlii. 780, 899, 1059; *Ibid* cxliii. 583, 613.

forms less than a fifteenth part of that assembly: nor is it likely to receive any accession of strength. When the pressing demands of the church obtained from Parliament the constitution of the new bishopric of Manchester, care was taken that not even one spiritual lord should be added to the existing number. The principle of admitting a new bishop to sit in Parliament was indeed conceded; but he was allowed that privilege at the expense of the more ancient sees. Except in the case of the sees of Canterbury, York, London, Durham, and Winchester, the bishop last appointed receives no writ of summons from the crown to sit in Parliament, until another vacancy arises.[1] The principle of this temporary exclusion of the junior bishop, though at first exposed to objections on the part of the church, has since been found to be not without its advantages. It enables a bishop recently inducted, to devote himself without interruption to the labours of his diocese, while it relieves him from the expenses of a residence in London, at a time when they can be least conveniently borne.

Attempts to exclude bishops from the House of Lords.

But, however small their numbers, and diminished their influence, the presence of the bishops in Parliament has often provoked opposition and remonstrance. This has probably arisen, more from feelings to which episcopacy has been exposed, than from any dispassionate objections to the participation of bishops in the

[1] Bishopric of Manchester Act, 10 & 11 Vict. c. 108. See also Debates, 1844, in the House of Lords, on the St. Asaph and Bangor Dioceses' Bill.

legislation of the country. Proscribed by Presbyterian Scotland,—ejected from Parliament by the English Puritans,[1]—repudiated in later times, by every sect of dissenters,—not regarded with too much favour, even by all the members of their own church,—and obnoxious, from their dignity and outward pomp, to vulgar jealousies,—the bishops have had to contend against many popular opinions and prejudices. Nor has their political conduct, generally, been such as to conciliate public favour. Ordinarily supporting the government of the day,—even in its least popular measures,—leaning always to authority,—as churchmen, opposed to change,—and precluded by their position from courting popularity,—it is not surprising that cries have sometimes been raised against them, and efforts made to pull them down from their high places.

In 1834, the Commons refused leave to bring in a bill 'for relieving the bishops of their legislative and judicial duties in the House of Peers,' by a majority of more than two to one.[2] By a much greater majority, in 1836, they refused to affirm 'that the attendance of the bishops in Parliament, is prejudicial to the cause of religion.'[3] And again in the following year, they denied, with equal emphasis, the proposition that the sitting of the bishops in Parliament 'tends to alienate the affections of the people from the established Church.'[4]

[1] 16 Car. I. c. 27.
[2] 13th March, 1834. Ayes, 58; Noes, 125.
[3] 26th April, 1836. Ayes, 53; Noes, 180
[4] 16th February, 1837. Ayes, 92, Noes, 197.

Since that time, there were no adverse motion in Parliament, and few unfriendly criticisms else where, in relation to the Parliamentary functions of the bishops.

Circumstances favourable to the bishops.

Their place in our venerable constitution has hitherto been upheld by every statesman and by nearly all political parties. At the same time, the liberal policy of the legislature towards Roman Catholics and Dissenters has served to protect the bishops from much religious animosity, formerly directed against the church, of which they are the most prominent representatives. Again, the church, by the zeal and earnestness with which, during the last thirty years, she has followed out her spiritual mission, has greatly extended her own moral influence among the people, and weakened the assaults of those who dissent from her doctrines. And the increased strength of the church has fortified the position of the bishops. That they are an exception to the principle of hereditary right—the fixed characteristic of the House of Lords—is, in the opinion of many, not without its theoretical advantages.

Political position of the House of Lords.

The various changes in the constitution of the House of Lords, which have here been briefly sketched, have considerably affected the political position and influence of that branch of the legislature. It is not surprising that peers of ancient lineage should have regarded with jealousy the continual enlargement of their own privileged order. The proud distinction which they enjoyed lost some of its lustre, when shared by a

larger body. Their social preeminence, and the weight of their individual votes in Parliament, were alike impaired by the increasing number of those whom the favour of their sovereign had made equal to themselves. These effects, however, have been rendered much less extensive than might have been anticipated, by the expansion of society, and by the operation of party in all political affairs.

Its enlargement a source of strength

But however the individual privileges of peers may have been affected by the multiplication of their numbers, it is scarcely to be questioned that the House of Lords has gained importance, as a political institution, by its enlargement. Let us suppose, for a moment, that the jealousy of the peers had led either to such a legal restraint upon the prerogative, as that proposed in the reign of George I., or to so sparing an exercise of it, that the peerage had remained without material increase since the accession of the House of Hanover. Is it conceivable that an order so limited in number, and so exclusive in character, could have maintained its due authority in the legislature? With the instinctive aversion to change, which characterises every close corporation, it would have opposed itself haughtily to the active and improving spirit of more popular institutions. It might even have attempted to maintain some of its more invidious privileges, which have been suffered to fal into desuetude. Hence it would necessarily hav been found in opposition to the House of Commo the press, and popular opinion; while its limit and unpopular constitution would have failed to g

it strength to resist the pressure of adverse forces. But the wider and more liberal constitution which it has acquired from increased numbers, and a more representative character, has saved the House of Lords from these political dangers. True to the spirit of an aristocracy, and to its theoretical uses in the state, it has been slower than the House of Commons in receiving popular impressions. It has often checked, for a time, the progressive policy of the age; yet, being accessible to the same sympathies and influences as the other House, its tardier convictions have generally been brought, without violence, into harmony with public opinion. And when measures, demanded by the national welfare, have sometimes been injuriously retarded, the great and composite qualities of the House of Lords,—the eminence of its numerous members,—their talents in debate, and wide local influence,—have made it too powerful to be rudely overborne by popular clamour.

And suited to more popular institutions.

Thus the expansive growth of the House of Lords,—concurring with the increased authority of the House of Commons, and the enlarged influence of the press,—appears to have been necessary for the safe development of our free institutions, in which the popular element has been continually advancing. The same cause has also tended to render the peers more independent of the influence of the crown. To that influence they are naturally exposed: but the larger their number, and the more various their interests, the less effectually can it be exercised: while the

crown is no longer able to secure their adherence by grants of land, offices, and pensions. And if the peerage has occasionally been discredited by the indigence or abasement of some few of its number, its dignity has been well maintained by territorial power,—by illustrious ancestry,—by noble deeds,—by learning, eloquence, and public virtue.

The peerage viewed in reference to party

These changes in the constitution of the House of Peers must further be considered in their relations to party. The general object which successive ministers have had in view in creating peers,—apart from the reward of special public services,—has been to favour their own adherents, and strengthen their Parliamentary interest. It follows that the House of Lords has undergone considerable changes, from time to time, in its political composition. This result has been the more remarkable, whenever one party has enjoyed power for a great length of time. In such cases the number of creations has sometimes been sufficient to alter the balance of parties; or, if this cause alone has not sufficed, it has been aided by political conversions,—the not uncommon fruit of ministerial prosperity. The votes of the bishops have also been usually recorded with that party to whom they owed their elevation.

Entire change of party connections at different periods.

Hence it was that, on the accession of George III., when the domination of the great Whig families had lasted for nearly half a century,—the House of Lords was mainly Whig. Hence it was that, on the accession of William IV., when the Tory rule—commenced under Lord Bute,

strengthened by Lord North, and consolidated by Mr. Pitt—had enjoyed ascendency for even a longer period, the House of Lords was mainly Tory.

Danger from this cause of collisions between the Houses.

Under such conditions as these, when a ministry, having established a sure majority in the House of Lords, is overthrown by an opposition commanding a majority of the House of Commons, the two Houses are obviously in danger of being brought into collision. A dissolution may suddenly change the political character of the House of Commons, and transfer power from one party to another; but a change in the political character of the House of Lords may be the work of half a century. In the case of Whig administrations since the Reform Act, the creation of a majority in the Upper House has been a matter of peculiar difficulty. The natural sympathies of the peerage are conservative; and are strengthened by age, property, and connections. A stanch Whig, raised to the Upper House, is often found a doubting, critical, fastidious partisan,—sometimes an absentee, and not unfrequently an opponent of his own party. No longer responsible to constituents for his votes, and removed from the liberal associations of a popular assembly, he gradually throws off his political allegiance; and if habit, or an affectation of consistency still retain him upon the same side of the House, upon the neutral 'cross-benches,' his son will probably be found an acknowledged member of t opposition. Party ties, without patronage, have be slack, and easily broken.

While the influence of the crown was sufficie

great to direct the policy of the country; and while a large proportion of the members of the Lower House were the nominees of peers, collisions between the two Houses, if not wholly averted, were at least easily accommodated. There had been frequent contests between them, upon matters of privilege. It was not without protracted struggles, that the Commons had established their exclusive right to grant supplies and impose taxes. The two Houses had contended violently in 1675, concerning the appellate jurisdiction of the Lords; they had contended, with not less violence, in 1704, upon the jurisdiction of the Commons, in matters of election; they had quarrelled rudely, in 1770, while insisting upon the exclusion of strangers. But upon general measures of public policy, their differences had been rare and unimportant. George III., by inducing the Lords to reject Mr. Fox's India Bill, in order to overthrow the coalition ministry, brought them into open collision with the Commons; but harmony was soon restored between them, as the crown succeeded, by means of a dissolution, in obtaining a large majority in the Lower House. In later times, the Lords opposed themselves to concessions to the Roman Catholics, and to amendments of the Criminal Law, which had been approved by the Commons. For several years, neither the Commons nor the people were sufficiently earnest to enforce the adoption of those measures: but when public opinion could no longer be resisted, the Lords avoided a collision with the Commons, by acquiescing in measures of which

The influence of the crown formerly able to reconcile them

they still disapproved. Since popular opinion has been more independently expressed by the Commons, the hazard of such collisions has been greatly increased. The Commons, deriving their authority directly from the people, have increased in power; and the influences which formerly tended to bring them into harmony with the Lords, have been impaired.

The Reform Bill of 1831 rejected by the Lords.

The memorable events of 1831 and 1832, arising out of the measures for extending the representation of the people, exposed the authority of the House of Lords to a rude shock; and even threatened its constitution with danger. Never since the days of Cromwell had that noble assembly known such perils. The Whig Ministry having, by a dissolution, secured a large majority of the Commons in favour of their second Reform Bill, its rejection by the Lords was still certain, if the opposition should put forth their strength. For seventy years, the House of Lords had been recruited from the ranks of the Tory party; and was not less hostile to the Whig ministry than to Parliamentary reform.[1] The people had so recently pronounced their judgment in favour of the bill, at the late election, that it now became a question,—who should prevail, the Lords or the Commons? The answer could scarcely be doubtful. The excite[ment of the] people, aroused by a great cause, and encouraged b[y ...]

[1] 'I stated my views of the present state of the House of Lor[ds,] which had given to a party in it, which had possessed the Governm[ent] for the last seventy years, a power which enabled them to resist [the] united wishes of the House of Commons, and the people.'—Mi[nute] by Earl Grey of his Conversation with the King, 1st April, 1[8..]: *Earl Grey's Corr.*, ii. 305.

bold and earnest leaders, were not likely to yield. The Lords stood alone. The king's ministers, the House of Commons, and the people were demanding that the bill should pass. Would the Lords venture to reject it? If they should bend to the rising storm, their will indeed would be subdued,—their independent judgment set aside; but public danger would be averted. Should they brave the storm, and stand up against its fury, they could still be overcome by the royal prerogative.

Already, before the second reading, no less than sixteen new peers had been created, in order to correct, in some measure, the notorious disproportion between the two parties in that House; but a majority was still known to be adverse to the bill. A further creation of peers, in order to ensure the success of the measure, was then in contemplation;[1] but the large number that would be required for that purpose, the extreme harshness of such a course, and the hope,—not ill-founded,—that many of the peers should yield to the spirit of the times, discouraged ministers from yet advising this last resource of power. The result was singular. The peers hesitated, wavered, and paused. Many of them, actuated by fear, by prudence, by policy, or by public spirit, refrained from voting. But the bishops,—either less alarmed, or less sensible of the imminent danger of

[1] The king, in a letter to Earl Grey, 8th Oct., 1831, wrote:—'The evil (*i.e.*, a collision between the two Houses) cannot be met by resorting to measures for obtaining a majority in the House of Lords, which no government could propose, and no sovereign consent to, without losing sight of what is due to the character of that House, to the honour of the aristocracy of the country, and to the dignity of the crown.'—*Earl Grey's Corr. with Will. IV*, i. 362.

the occasion,—mustered in unusual force. Twenty-two were present, of whom twenty-one voted against the bill. Had they supported ministers, the bill would have been saved: but now they had exactly turned the scale,—as Lord Grey had warned them that they might,—and the bill was lost by a majority of forty-one.

Ministers supported by the Commons.

The House of Commons immediately supported ministers by a vote of confidence; the people were more excited than ever; and the reformers more determined to prevail over the resistance of the House of Lords.

Reform Bill of 1831-2.

Parliament was prorogued merely for the purpose of introducing another Reform Bill. This bill was welcomed by the Commons, with larger majorities than the last; and now the issue between the two Houses had become still more serious. To 'swamp the House of Lords' had, at length, become a popular cry: but at this time, not a single peer was created. Lord Grey, however, on the second reading, while he declared himself averse to such a proceeding, justified its use in case of necessity. The gravity of the crisis had shaken the courage of the majority. A considerable number of 'waverers,' as they were termed, now showed themselves; and the fate of the bill was in their hands. Some who had been previously absent, including five bishops, voted for the bill; others who had voted against the former bill, abstained from voting; and seventeen who had voted against the last bill actually voted for this! From these various causes, the second reading was carried by a majority of nine.

Meanwhile it was well known, both to ministers and the people, that the further progress The crisis. of the measure was exposed to imminent danger; and while the former were contemplating, with reluctance and dread, the immediate necessity of a further creation of peers, the popular cry was raised more loudly than ever, that the House of Lords must be 'swamped.' Such a cry was lightly encouraged by reckless and irresponsible politicians: but the constitutional statesmen who had to conduct the country through this crisis, weighed seriously a step which nothing but the peril of the times could justify. Lord Brougham—perhaps the boldest of all the statesmen concerned in these events—has thus recorded his own sentiments regarding them:—'When I went to Windsor with Lord Grey, I had a list of eighty creations, framed upon the principles of making the least possible permanent addition to our House and to the aristocracy, by calling up peers' eldest sons,—by choosing men without any families,—by taking Scotch and Irish peers. I had a strong feeling of the necessity of the case, in the very peculiar circumstances we were placed in; but such was my deep sense of the dreadful consequences of the act, that I much question whether I should not have preferred running the risk of confusion that attended the loss of the bill as it then stood,—rather than expose the constitution to so imminent a hazard of subversion.'[1]

[1] Lord Brougham's Political Philosophy, iii. 308. The British Constitution, 1861, p. 270. See also Minute of Conversation with the King, 1st April, 1832, in which the number of peers to be created was estimated at fifty or sixty.—*Earl Grey's Corr. with Will. IV.*, ii. 304.

Ministers advise a creation of peers.

No sooner was the discussion of the bill commenced in committee, than ministers suddenly found themselves in a minority of thirty-five.[1] Now, then, was the time, if ever, for exercising the royal prerogative; and accordingly the cabinet unanimously resolved to advise the king to create a sufficient number of peers, to turn the scale in favour of the bill; and in the event of his refusal, to tender their resignation. He refused; and the resignation of ministers was immediately tendered and accepted. In vain the Duke of Wellington attempted to form an administration on the basis of a more moderate measure of reform: the House of Commons and the people were firm in their support of the ministers; and nothing was left for the peers, but submission or coercion. The king unwillingly gave his consent, in writing, to the necessary creation of peers;[2] but in the meantime,—averse to an offensive act of authority,—he successfully exerted his personal influence with the peers, to induce them to desist from further opposition.[3] The greater part of the Oppo-

[1] 151 and 116.

[2] 'The king grants permission to Earl Grey, and to his chancellor, Lord Brougham, to create such a number of peers as will be sufficient to ensure the passing of the Reform Bill,—first calling up peers' eldest sons. WILLIAM R. Windsor, May 17th, 1832.'—*Roebuck's Hist. of the Whig Ministry*, ii. 331-333. On the 18th May the king wrote to Earl Grey:—'His Majesty authorises Earl Grey, if any obstacle should arise during the further progress of the bill, to submit to him a creation of peers to such extent as shall be necessary to enable him to carry the bill,' &c. &c.—*Earl Grey's Corr.*, ii. 434.

[3] See his Circular Letter, *supra*, p. 144; and *infra*, Chapter VI.

sition peers absented themselves; and the memorable Reform Bill was soon passed through all its further stages. The prerogative was not exercised: but its efficacy was not less signal in overcoming a dangerous resistance to the popular will, than if it had been fully exerted; while the House of Lords —humbled, indeed, and its influence shaken for a time—was spared the blow which had been threatened to its dignity and independence.

Opinion of the Duke of Wellington.

At no period of our history, has any question arisen of greater constitutional importance than this proposed creation of peers. The peers and the Tory party viewed it with consternation. 'If such projects,' said the Duke of Wellington, 'can be carried into execution by a minister of the crown with impunity, there is no doubt that the constitution of this House, and of this country, is at an end. I ask, my lords, is there any one blind enough not to see that if a minister can with impunity advise his sovereign to such an unconstitutional exercise of his prerogative, as to thereby decide all questions in this House, there is absolutely an end put to the power and objects of deliberation in this House, and an end to all just and proper means of decision. . . . ? And, my lords, my opinion is, that the threat of carrying this measure of creating peers into execution, if it should have the effect of inducing noble lords to absent themselves from the House, or to adopt any particular line of conduct, is just as bad as its execution; for, my lords, it does by violence force a decision on

this House, and on a subject on which this House is not disposed to give such a decision.'[1]

He was finely answered by Lord Grey: 'I ask what would be the consequences if we were to suppose that such a prerogative did not exist, or could not be constitutionally exercised? The Commons have a control over the power of the crown, by the privilege, in extreme cases, of refusing the supplies; and the crown has, by means of its power to dissolve the House of Commons, a control upon any violent and rash proceedings on the part of the Commons; but if a majority of this House is to have the power, whenever they please, of opposing the declared and decided wishes both of the crown and the people, without any means of modifying that power,—then this country is placed entirely under the influence of an uncontrollable oligarchy. I say, that if a majority of this House should have the power of acting adversely to the crown and the Commons, and was determined to exercise that power, without being liable to check or control, the constitution is completely altered, and the government of this country is not a limited monarchy: it is no longer, my lords, the Crown, the Lords and the Commons, but a House of Lords,—a separate oligarchy,—governing absolutely the others.'[2]

Opinion of Earl Grey.

It must not be forgotten that, although Parlia-

[1] May 17th, 1832. Hans. Deb., 3rd Ser., xii. 995. In 1819, the King of France created sixty-three new peers, in order to overcome the party opposed to the ministry.'—*Lord Colchester's Diary*, iii. 71.

[2] May 17th, 1832. Hans. Deb., 3rd Ser., xii. 1006.

ment is said to be dissolved, a dissolution extends, in fact, no further than to the Commons. The peers are not affected by it,—no change can take place in the constitution of their body, except as to a small number of Scotch representative peers. So far, therefore, as the House of Lords is concerned, a creation of peers by the crown, on extraordinary occasions, is the only equivalent which the constitution has provided, for the change and renovation of the House of Commons by a dissolution. In no other way can the opinions of the House of Lords be brought into harmony with those of the people. In ordinary times the House of Lords has been converted gradually to the political opinions of the dominant party in the state, by successive creations: but when a crisis arises, in which the party, of whose sentiments it is the exponent, is opposed to the majority of the House of Commons and the country, it must either yield to the pressure of public opinion, or expose itself to the hazard of a more sudden conversion. Statesmen of all parties would condemn such a measure, except in cases of grave and perilous necessity: but, should the emergency be such as to demand it, it cannot be pronounced unconstitutional.[1]

A creation of peers equivalent to a dissolution.

[1] In a minute of Cabinet, 13th January 1832, it was said:—

'It must be admitted that cases may occur, in which the House of Lords, continuing to place itself in opposition to the general wishes of the nation, and to the declared sense of the House of Commons, the greatest danger might arise, if no means existed of putting an end to the collision which such circumstances would produce, and which, while it continued, must unavoidably occasion the greatest evils, and in its final issue might involve consequences fatal on the one hand to public liberty, and to the power and security of the government on the other.

'It is with a view to a danger of this nature, that the constitution

It was apprehended that, by this moral coercion, the legitimate influence of the peers would be impaired, and their independence placed at the mercy of any popular minister, supported by a majority of the House of Commons. To record the fiats of the Lower House,—sometimes, perhaps, with unavailing protests,—sometimes with feeble amendments,—would now be their humble office. They were cast down from their high place in the legislature,—their ancient glories were departed. Happily, these forebodings have not since been justified. The peers had been placed, by their natural position, in opposition to a great popular cause; and had yielded, at last, to a force which they could no longer resist. Had they yielded earlier, and with a better grace, they might have shared in the popular triumph. Again and again, the Commons had opposed themselves to the influence of the crown, or to popular opinion, and had been overcome; yet their permanent influence was not impaired. And so was it now with the Lords. The Commons may be overborne by a dissolution,—the Lords by a threatened creation of peers,—the crown by withholding the supplies; and all alike must bow to the popular will, when constitutionally expressed.

Position of the Lords since the Reform Act.

The subsequent history of the Lords attests their undiminished influence since the Reform Act of 1832. That measure unquestion-

Their independence.

has given to the crown the power of dissolving, or of making an addition to the House of Lords, by the exercise of the high prerogative of creating peers, which has been vested in the king for this as well as for other important purposes.'—*Earl Grey's Corr.*, ii. 98.

ably increased the authority of the House of Commons. But the Lords have not shown themselves less independent in their judgment, or less free in their legislative action. It had previously been their function, not so much to originate legislation, and to direct the policy of the country, as to control, to amend, and to modify measures received from the Commons; and in that function, they have since laboured with as much freedom as ever. In 1835 and 1836, the Commons maintained that the principle of appropriating the surplus revenues of the church in Ireland, was essential to the settlement of the question of Irish tithes. Yet the Lords, by their determined resistance to this principle, obliged the Commons, and ministers who had fought their way into office by its assertion, definitively to abandon it. They exercised an unconstrained judgment in their amendments to the English Municipal Reform Bill, which the Commons were obliged reluctantly to accept. They dealt with the bills for the reform of the Irish corporations, with equal freedom. For four sessions their amendments,—wholly inconsistent with the principles of legislation asserted by the Commons,—led to the abandonment of those measures. And at length they forced the Commons to accept amendments, repugnant to the policy for which they had been contending. Again, they resisted, for several years, the removal of the Jewish disabilities,—a measure approved by the settled judgment of the Commons and the people; and obliged the advocates of religious liberty to accept, at last, an unsatisfactory

compromise. But these examples of independence are thrown into the shade by their proceedings in 1860, when,—treading upon the forbidden ground of taxation, they rejected a bill which the Commons had passed,—as part of the financial arrangements of the year,—for repealing the duties upon paper. The controverted question of privilege involved in this vote, will be touched upon hereafter;[1] but here it may be said, that the Commons have ever been most jealous of their exclusive rights, in matters of supply and taxation; and that their jealousy has been wisely respected by the Lords. But, finding a strong support in the Commons,—an indifferent and inert public opinion,—much encouragement from an influential portion of the press,—and a favourable state of parties,—the Lords were able to defy at once the government and the Commons. There had been times, when such defiance would have been resented and returned; but now the Lords, rightly estimating their own strength, and the causes by which retaliation on the part of the Commons was restrained, overruled the ministers of the crown and the Commons, on a question of finance; and, by their single vote, continued a considerable tax upon the people. The most zealous champion of the independence of the peers, in 1832, would not then have counselled so hazardous an enterprise. Still less would he have predicted that it would be successfully accomplished, within thirty years after the passing of the Reform Act.

[1] *Infra*, Chap. VII.

In short, though the Lords were driven, in 1832, from an indefensible position, which they had held with too stubborn a persistence, they have since maintained their independence, and a proper weight in the legislature. It was admirably said by Lord Granville, on a recent occasion:[1]—'My Lords, you have power,—great power,—immense power—for good; but there is one power you have not; you have not, more than the House of Commons,—more than the constitutional sovereigns of this country,—more, I will add, than the despotic sovereigns of some great empires, in civilised communities,—you have not the power of thwarting the national will, when properly and constitutionally expressed.'

Vantage-ground of the Lords.

As a legislative body, the Lords have great facilities for estimating the direction and strength of public opinion. Nearly every measure has been fully discussed, before they are called upon to consider it. Hence they are enabled to judge, at leisure, of its merits, its defects, and its popularity. If the people are indifferent to its merits, they can safely reject it altogether: if too popular, in principle, to be so dealt with, they may qualify, and perhaps neutralise it by amendments, without any shock to public feeling.

At the same time they are able, by their debates, to exercise an extensive influence upon the convictions of the people. Sitting like a court of review upon measures originating in the Lower House, they

[1] 14th June, 1869, on moving second reading of Irish Church Bill. 196 Hans. Deb., 3rd Ser., 1656.

can select from the whole armoury of debate and public discussion, the best arguments, and the most effective appeals to enlightened minds. Nor have there ever been wanting, amongst their numbers, the first orators of their age and country.

Small attendance of peers affects their political weight.

But with these means of influence, the political weight of the House of Peers has been much affected by the passive indifference which it ordinarily displays to the business of legislation. The constitution of that assembly, and the social position of its members, have failed to excite the spirit and activity which mark a representative body. This is constantly made apparent by the small number of peers who attend its deliberations. Unless great party questions have been under discussion, the House has ordinarily presented the appearance of a select committee. Three peers may wield all the authority of the House. Nay, even less than that number are competent to pass or reject a law, if their unanimity should avert a division, or notice of their imperfect constitution. Many laws have, in fact, been passed by numbers befitting a committee, rather than the whole House.[1] That the judgment of so small a number should be as much respected as that of the large bodies of members who throng the House of Commons, can scarcely be expected.

[1] On April 7th, 1854, the Testamentary Jurisdiction Bill was read a third time by a majority of two in a house of twelve. On the 25th August, 1860, the Tenure and Improvement of Land (Ireland) Bill, which had occupied weeks of discussion in the Commons, was nearly lost by a disagreement between the two Houses; the numbers, on a division, being seven and six.

A quorum of three,—though well suited for judicial business, and not wholly out of proportion to the entire number of its members, in the earlier periods of its history,—has become palpably inadequate for a numerous assembly. That its members are not accountable to constituents, adds to their moral responsibilities; and should suggest safeguards against the abuse of the great powers which the constitution has entrusted to them.

Their indifference to business.

The indifference of the great body of the peers to public business, and their scant attendance, by discouraging the efforts of the more able and ambitious men amongst them, further impair the influence of the Upper House. Statesmen who have distinguished themselves in the House of Commons, have complained, again and again, of the cold apathy by which their earnest oratory has been checked in the more patrician assembly. The encouragement of numbers, of ready sympathy, and of warm applause, are wanting; and the disheartened orator is fain to adapt his tone to the ungenial temperament of his audience. Thus to discourage public spirit, and devotion to the great affairs of state, cannot fail to diminish the political influence of the House of Lords.

Their deference to leaders.

The inertness of the House of Lords has produced another result prejudicial to its due influence in public affairs. It has generally yielded, with an indolent facility, to the domination of one or two of its own members, gifted with the strongest wills. Lord Thurlow, Lord Eldon, the Duke of Wellington, and Lord Lyndhurst, have

swayed it, at different times, almost with the power of a dictator. Such men had acquired their activity and resolution in a different school from that of an hereditary chamber; and where peers by hereditary descent, like the Earl of Derby, have exercised an equal sway, they have learned how to lead and govern men, amidst the more stirring scenes of the House of Commons. Every assembly must have its leaders: but the absolute surrender of its own judgment to that of a single man,—perhaps of narrow mind, and unworthy prejudices,—cannot fail to impair its moral influence.

The peerage in its social relations.

Such, then, are the political position of the House of Lords, and the causes of its strength and weakness, as a part of the legislature. The peerage is also to be regarded in another aspect,—as the head of the great community of the upper classes. It represents their interests, feelings, and aspirations. Instead of being separated from other ranks in dignified isolation, it is connected with them by all the ties of social life. It leads them in politics: in the magistracy: in local administration: in works of usefulness, and charity: in the hunting-field, the banquet, and the ball-room.

The aristocracy.

The increase of the peerage has naturally extended the social ramifications of the aristocracy. Six hundred families ennobled,—their children bearing titles of nobility,—allied by descent or connection with the first county families, and with the wealthiest commoners of other classes,—have struck their roots far and wide into the soil of

English society. In every county their influence is great,—in many paramount.

The untitled landed gentry,—upheld by the conservative law of primogeniture,—are an ancient aristocracy in themselves; and the main source from which the peerage has been recruited. In no other country is there such a class, —at once aristocratic and popular, and the bond of connection between the nobles and the commonalty.

The landed gentry.

Many of these have been distinguished by hereditary titles,—inferior to nobility, and conferring no political privileges; yet highly prized as a social distinction. The baronetage, like the peerage, has been considerably increased during the last century. On the accession of George III., there were about five hundred baronets;[1] in 1860, they had been increased to no less than eight hundred and sixty.[2] During the sixty years of a single reign, the extraordinary number of four hundred and ninety-four baronetcies were created.[3] Of these a large number were conferred for political services; and by far the greater part are enjoyed by men of family and fortune. Still the taste for titles was difficult to satiate.

The baronetage.

The ancient and honourable dignity of knighthood

[1] Betham's Baronetage. Gentl. Mag., lix. 398.

[2] Viz., six hundred and seventy-four baronets of Great Britain, one hundred and eleven baronets of Scotland and Nova Scotia, and seventy-five of Ireland.

[3] This number is from 1761 to 1821; from a paper prepared by the late Mr Pulman, Clarencieux King-at-Arms.

was conferred unsparingly by George III. upon little men for little services, until the title was well nigh degraded. After the king's escape from assassination at the hands of Margaret Nicholson, so many knighthoods were conferred on persons presenting congratulatory addresses to the crown, that 'a knight of Peg Nicholson's order' became a by-word. The degradation of knighthood by the indiscriminate liberality of the crown in granting it, continued until a recent time.

Orders of knighthood.

Still there were not knighthoods enough; and in 1783 the king instituted the Order of St. Patrick. Scotland had its most ancient Order of the Thistle: but no order of knighthood had, until that time, been appropriated to Ireland. The Hanoverian Guelphic Order of Knighthood had also been opened to the ambition of Englishmen; and William IV., during his reign, added to its roll a goodly company of English knights.

The Order of the Bath, originally a military order, was enlarged in 1815; and again in 1847, the queen added a civil division to the order, to comprise such persons as by their personal services to the crown, or by the performance of public duties, have merited the royal favour.[1]

Besides these several titled orders, may be noticed officers enjoying naval and military rank, whose numbers were extraordinarily augmented by the long war with France, and by the extension of the British possessions abroad. Men holding high offices in the state, the church,

Other classes allied with the aristocracy.

[1] Letters Patent, 24th May, 1847; London Gazette, p. 1951.

the law, the universities, and other great incorporations, have also associated their powers and influence with those of the nobility.

The continual growth and accumulation of property have been a source of increasing strength to the British nobles. Wealth is, in itself, an aristocracy. It may desire to rival the nobility of a country, and even to detract from its glory. But in this land of old associations, it seeks only to enjoy the smiles and favours of the aristocracy,—craves admission to its society,—aspires to its connection,—and is ambitious of its dignities. The learned professions, commerce, manufactures, and public employments have created an enormous body of persons of independent income; some connected with the landed gentry, others with the commercial classes. All these form part of the independent 'gentry.' They are spread over the fairest parts of the country; and noble cities have been built for their accommodation. Bath, Cheltenham, Leamington, and Brighton attest their numbers and their opulence.[1] With much social influence and political weight, they form a strong outwork of the peerage, and uphold its ascendency by moral as well as political support.

Wealth favourable to the aristocracy.

The professions lean, as a body, on the higher ranks of society. The Church is peculiarly connected with the landed interest. Everywhere the clergy cleave to power; and the vast lay patronage vested in the proprietors of the soil, draws close the bond between them and the Church. The

The professions.

[1] Bath has been termed the 'City of the Three-per-cent. Consols.'

legal and medical professions, again, being mainly supported by wealthy patrons, have the same political and social interests.

How vast a community of rank, wealth, and intelligence do these several classes of society constitute! The House of Lords, in truth, is not only a privileged body, but a great representative institution,—standing out as an embodiment of the aristocratic influence, and sympathies of the country.

CHAPTER VI.

THE HOUSE OF COMMONS:—NOMINATION BOROUGHS:—VARIOUS AND LIMITED RIGHTS OF ELECTION.—BRIBERY AT ELECTIONS:—SALE OF SEATS.—GOVERNMENT INFLUENCE IN LARGE TOWNS:—REVENUE OFFICERS DISFRANCHISED:—VEXATIOUS CONTESTS IN CITIES:—REPRESENTATION OF SCOTLAND AND IRELAND:—INJUSTICE IN THE TRIAL OF ELECTION PETITIONS:—PLACES AND PENSIONS:—BRIBES TO MEMBERS:—SHARES IN LOANS, LOTTERIES, AND CONTRACTS:—SUCCESSIVE SCHEMES OF PARLIAMENTARY REFORM PRIOR TO 1830:—THE REFORM BILLS OF 1830–31, 1831, AND 1831–32:—CHANGES EFFECTED IN THE REPRESENTATION, BY THE REFORM ACTS OF 1832:—BRIBERY SINCE 1832, AND MEASURES TAKEN TO RESTRAIN IT:—DURATION OF PARLIAMENTS:—VOTE BY BALLOT:—PROPERTY QUALIFICATION.—LATER MEASURES OF PARLIAMENTARY REFORM.

Unfaithfulness of the House of Commons to its trust

In preceding chapters, the various sources of political influence enjoyed by the crown, and by the House of Lords, have been traced out. Their united powers long maintained an ascendency in the councils and government of the state. But great as were their own inherent powers, the main support of that ascendency was found among the representatives of the people, in the House of Commons. If that body had truly represented the people, and had been faithful to its trust, it would have enjoyed an authority equal at least, if not superior, to that of the crown and the House of Lords combined.

Its dependence and corruption.

The theory of an equipoise in our legislature, however, had been distorted in practice; and the House of Commons was at once

dependent and corrupt. The crown, and the dominant political families who wielded its power, readily commanded a majority of that assembly. A large proportion of the borough members were the nominees of peers and great landowners; or were mainly returned through the political interest of those magnates. Many were the nominees of the crown; or owed their seats to government influence. Rich adventurers,—having purchased their seats of the proprietors, or acquired them by bribery,—supported the ministry of the day, for the sake of honours, patronage, or court favour. The county members were generally identified with the territorial aristocracy. The adherence of a further class was secured by places and pensions; by shares in loans, lotteries, and contracts; and even by pecuniary bribes.

The extent to which these various influences prevailed, and their effect upon the constitution of the legislature, are among the most instructive inquiries of the historian.

Defects of the representative system.

The representative system had never aimed at theoretical perfection; but its general design was to assemble representatives from the places best able to contribute aids and subsidies for the service of the crown. This design would naturally have allotted members to counties, cities, and boroughs, in proportion to their population, wealth, and prosperity; and though rudely carried into effect, it formed the basis of representation in early times. But there were few large towns: the population was widely scattered: indus-

try was struggling with unequal success in different places; and oppressed burgesses,—so far from pressing their fair claims to representation,—were reluctant to augment their burthens, by returning members to Parliament. Places were capriciously selected for that honour by the crown,—and sometimes even by the sheriff,[1]—and were, from time to time, omitted from the writs. Some small towns failed to keep pace with the growing prosperity of the country, and some fell into decay; and in the meantime, unrepresented villages grew into places of importance. Hence inequalities in the representation were continually increasing. They might have been redressed by a wise exercise of the ancient prerogative of creating and disfranchising boroughs; but the greater part of those created between the reigns of Henry VIII. and Charles II. were inconsiderable places, which afterwards became notorious as nomination boroughs.[2] From the reign of Charles II.,—when this prerogative was superseded, —the growing inequalities in the representation were left wholly without correction.[3]

From these causes an electoral system had become established,—wholly inconsistent with any rational theory of representation. Its defects,—

[1] Glanville's Reports, Pref. v.

[2] One hundred and eighty members were added to the House of Commons, by royal charter, between the reigns of Henry VIII. and [illegible]

[illegible]

wealth, 16th Dec, 1653.

originally great, and aggravated by time and change,—had attained monstrous proportions in the middle of the last century.

Nomination boroughs.

The first and most flagrant anomaly was that of nomination boroughs. Some of these boroughs had been, from their first creation, too inconsiderable to aspire to independence: and being without any importance of their own, looked up for patronage and protection to the crown, and to their territorial neighbours. The influence of the great nobles over such places as these was acknowledged and exerted so far back as the fifteenth century.[1] It was freely discussed, in the reign of Elizabeth; when the House of Commons was warned, with a wise foresight, lest 'Lords' letters shall from henceforth bear all the sway.'[2] As the system of parliamentary government developed itself, such interest became more and more important to the nobles and great landowners, who accordingly spared no pains to extend it: and the insignificance of many of the boroughs, and a limited and capricious franchise, gave them too easy a conquest. Places like Old Sarum, with fewer inhabitants than an ordinary hamlet, avowedly returned the nominees of their proprietors.[3] In other boroughs of more pretensions in respect of population and property, the number of inhabitants enjoying the franchise was so limited, as to bring the

1 Paston Letters, ii. 103.
2 Debate on the Bill for the validity of burgesses not resiant, 19th April, 1571: D'Ewes Journ., 168–171.
3 Parl. Return, Sess. 1831–32, No. 92.

representation under the patronage of one or more persons of local or municipal influence.

Various and limited rights of election.

Not only were the electors few in number: but partial and uncertain rights of election prevailed in different boroughs. The common law right of election was in the inhabitant householders resident within the borough:[1] but, in a large proportion of the boroughs, peculiar customs prevailed, by which this liberal franchise was restrained. In some, indeed, popular rights were enjoyed by custom; and all inhabitants paying 'scot and lot,'—or parish rates,—or all 'potwallers,'—being persons furnishing their own diet, whether householders or lodgers,—were entitled to vote. In others, none but those holding lands by burgage-tenure had the right of voting: in several, none but those enjoying corporate rights by royal charter. In many, these different rights were combined, or qualified by exceptional conditions.

Rights of election determined by the House of Commons.

Rights of election, so uncertain and confused, were founded upon the last determinations of the House of Commons, which,—however capricious, and devoid of settled principles,—had a general tendency to restrict the ancient franchise, and to vest it in a more limited number of persons.[2]

In some of the corporate towns the inhabitants paying scot and lot, and freemen, were admitted to

[1] Com. Dig., iv. 288. Glanville's Reports.

[2] Glanville's Reports, Determinations of the House of Commons concerning Elections, 8vo, 1780; Introduction to Merewether and Stephens, History of Boroughs; Male's Election Law, 289, 317; Luders' Election Reports, &c.

vote: in some, the freemen only: and in many, none but the governing body of the corporation. At Buckingham, and at Bewdley, the right of election was confined to the bailiff and twelve burgesses: at Bath, to the mayor, ten aldermen, and twenty-four common-councilmen: at Salisbury, to the mayor and corporation, consisting of fifty-six persons. And where more popular rights of election were acknowledged, there were often very few inhabitants to exercise them. Gatton enjoyed a liberal franchise: all freeholders and inhabitants paying scot and lot were entitled to vote, but they only amounted to seven. At Tavistock, all freeholders rejoiced in the franchise, but there were only ten. At St. Michael, all inhabitants paying scot and lot were electors, but there were only seven.[1]

Number of small boroughs.

In 1793, the Society of the Friends of the People were prepared to prove that in England and Wales seventy members were returned by thirty-five places, in which there were scarcely any electors at all; that ninety members were returned by forty-six places with less than fifty electors; and thirty-seven members by nineteen places, having not more than one hundred electors.[2] Such places were returning members, while Leeds, Birmingham, and Manchester were unrepresented; and their pretended representatives were the nominees of peers and other wealthy patrons, and voted at their bidding.[3] No abuse was more flagrant

1 Parl. Return, Sess. 1831–2, No. 92.
2 Parl. Hist., xxx. 789.
3 The relations of patrons and nominees were often creditable to both parties; but the right of the patron to direct the political con-

than the direct control of peers, over the constitution of the Lower House. The Duke of Norfolk was represented by eleven members; Lord Lonsdale by nine; Lord Darlington by seven; the Duke of Rutland, the Marquess of Buckingham, and Lord Carrington, each by six.[1] Seats were held, in both Houses alike, by hereditary right.

Bribery at elections.

Where the number of electors in a borough was sufficient to ensure their independence, in the exercise of the franchise, they were soon taught that their votes would command a price; and thus, where nomination ceased, the influence of bribery commenced.

Bribery at elections has long been acknowledged as one of the most shameful evils of our constitutional government. Though not wholly unknown in earlier times, it appears,—like too many other forms of corruption,—to have first become a systematic abuse in the reign of Charles II.[2] The Revolution, by increasing the power of the House of Commons, served to enlarge the field of bribery at elections. As an example of the extent to which this practice prevailed, it was alleged that at the Westminster election, in 1695, Sir Walter Clarges, an unsuccessful candidate, expended 2,000*l.* in bribery in the course of a few hours.[3]

These notorious scandals led to the passing of the Act 7 William III. c. 4. Bribery had already been

duct of his members was unquestioned. Lord Campbell's Lives, vi. 216 Lord Colchester's Diary, i 13, 17, 121-131. Lord Stanhope's Life, i. 47

[1] Oldfield's Representative Hist., vi. 286.

[2] Macaulay's Hist., i. 236.

[3] *Ibid.*, iv. 615.

recognised as an offence, by the common law;[1] and had been condemned by resolutions of the House of Commons:[2] but this was the first statute to restrain and punish it. This necessary measure, however, was designed rather to discourage the intrusion of rich strangers into the political preserves of the landowners, than for the general repression of bribery. It seems to have had little effect; for Davenant, writing soon afterwards, spoke of 'utter strangers making a progress through England, endeavouring by very large sums of money to get themselves elected. It is said there were known brokers who have tried to stock-job elections upon the exchange; and that for many boroughs there was a stated price.'[3] An act of parliament was not likely to touch the causes of such corruption. The increasing commerce of the country had brought forward new classes of men, who supplied their want of local connections by the unscrupulous use of riches. Political morality may be elevated by extended liberties: but bribery has everywhere been the vice of growing wealth.[4]

The Bribery Act of William III.

[1] Burr., iii. 1235, 1388; Dougl., iv. 294; Male's Election Law, 339–345.

[2] Com. Journ., ix. 411, 517.

[3] Essay on the Balance of Power; Davenant's Works, iii. 326, 328. See also Pamphlets, 'Freeholder's Plea against Stock-jobbing Elections of Parliament Men;' 'Considerations upon Corrupt Elections of Members to serve in Parliament,' 1701.

[4] 'The effect produced by the rapid increase in wealth upon political morality [in Rome] is proved by the frequent laws against bribery at elections, which may be dated from the year 181 B.C. In that year it was enacted that anyone found guilty of using bribery to gain votes should be declared incapable of becoming a candidate for the next ten years.'—*Dr. Liddell's Hist. of Rome.* These laws are enumerated in Colquhoun's Roman Civil Law, § 2402. In France

The prizes to be secured through seats in Parliament, during the corrupt administrations of Walpole and Pelham, further encouraged the system of bribery; and early in the reign of George III. its notoriety became a public scandal.

The very first election of this reign, in 1761, was signalised by unusual excesses. Never perhaps had bribery been resorted to with so much profusion.[1] One class of candidates, now rapidly increasing, consisted of men who had amassed fortunes in the East and West Indies, and were commonly distinguished as 'Nabobs.' Their ambition led them to aspire to a place in the legislature:—their great wealth gave them the means of bribery; and the scenes in which they had studied politics, made them unscrupulous in corruption. A seat in Parliament was for sale, like an estate; and they bought it, without hesitation or misgiving. Speaking of this class, Lord Chatham said: 'without connections, without any natural interest in the soil, the importers of foreign gold have forced their way into Parliament, by such a torrent of corruption as no private hereditary fortune could resist.'[2]

General election in 1761.

The 'Nabobs.'

To the landed gentry they have long since been obnoxious. A country squire, whatever his local influence, was overborne by the profusion of wealthy strangers Even a powerful noble was no match for

and America, bribery has been practised upon representatives rather than electors.—*De Tocqueville*, i. 264, &c.

men, who brought to the contest the 'wealth of the Indies.' Nor were they regarded with much favour by the leaders of parties: for men who had bought their seats,—and paid dearly for them,—owed no allegiance to political patrons. Free from party connections, they sought admission into Parliament, not so much with a view to a political career, as to serve mere personal ends,—to forward commercial speculations, to extend their connections, and to gratify their social aspirations. But their independence and ambition well fitted them for the service of the court. The king was struggling to disengage himself from the domination of party leaders; and here were the very men he needed,—without party ties or political prepossessions,—daily increasing in numbers and influence,—and easily attracted to his interests by the hope of those rewards which are most coveted by the wealthy. They soon ranged themselves among the king's friends; and thus the court policy,—which was otherwise subversive of freedom,—became associated with parliamentary corruption.

Bribery Act of 1762.

The scandals of the election of 1761 led to the passing of an act in the following year, by which pecuniary penalties were first imposed for the offence of bribery.[1] But the evil which it sought to correct, still continued without a check.

Sale of boroughs.

Where the return of members was left to a small, but independent body of electors, their individual votes were secured by bribery;

[1] 2 Geo. III. c. 24.

and when it rested with proprietors or corporations, the seat was purchased outright. The sale of boroughs,—an abuse of some antiquity,[1]—and often practised since the time of Charles II.,—became, at the commencement of this reign, a general and notorious system. The right of property in boroughs was acknowledged, and capable of sale or transfer, like any other property. In 1766, Lord Hertford prevailed upon Lord Chatham's ministry to transfer to him the borough of Orford, which belonged to the crown.[2] And Sudbury, infamous for its corruption until its ultimate disfranchisement,[3] publicly advertised itself for sale.[4]

If a seat occupied by any member happened to be required by the government, for some other candidate, he was bought out, at a price agreed upon between them. Thus in 1764, we find Lord Chesterfield advising his son upon the best means of securing 1,000*l.* for the surrender of his seat, which had cost him 2,000*l.* at the beginning of the Parliament.[5]

General election of 1768.

The general election of 1768 was at least as corrupt as that of 1761, and the sale of seats more open and undisguised. They were bought by the Treasury,[6] by great nobles for their clients, by speculators, and by gentlemen for whom there

[1] In 1571, the borough of Westbury was fined by the House of Commons for receiving a bribe of 4*l.*, and the mayor was ordered to refund the money.—*Com. Journ.*, i 88.

[2] Walpole's Mem, ii. 361.

[3] 7 & 8 Vict, c. 53.

[4] Walpole's Mem., i. 42

[5] Oct. 19th, 1764. Letters of Lord Chesterfield to his Son, iv. 218

[6] Ann. Reg. 1768, p. 78.

was no other way into Parliament. Some of the cases were so flagrant as to shock even the moral sentiments of that time. The corporation of Oxford being heavily embarrassed, offered again to return their members, Sir Thomas Stapylton and Mr. Lee, on payment of their bond debts, amounting to 5,670*l.* These gentlemen refused the offer, saying that as they did not intend to sell the corporation, they could not afford to buy them; and brought the matter before the House of Commons. The mayor and ten of the aldermen were committed to Newgate: but after a short imprisonment, were discharged with a reprimand from the Speaker. Not discouraged, however, by their imprisonment, they completed, in Newgate, a bargain which they had already commenced; and sold the representation of their city to the Duke of Marlborough and the Earl of Abingdon. Meanwhile the town clerk carried off the books of the corporation which contained evidence of the bargain: and the business was laughed at and forgotten.[1]

For the borough of Poole there were three candidates. Mauger, the successful candidate, promised the corporation 1,000*l.*, to be applied to public purposes, if he should be elected: Gulston made them a present of 750*l.*, as a mark of gratitude for the election of his father on a former occasion: and Calcraft appears to have vainly tempted them with the more liberal offer of 1,500*l.* The election was declared void.[2]

1 Parl. Hist., xvi. 397; Walpole's Mem., iii. 153.
2 Feb. 10th, 1769; Com. Journ., xxxii. 198.

The representation of the borough of Ludgershall was sold for 9,000*l.* by its owner, the celebrated George Selwyn; and the general price of boroughs was said to be raised at that time, from 2,500*l.* to 4,000*l*, or 5,000*l.*, by the competition of the East and West Indians.[1] It was notorious at the time, that agents or 'borough-brokers' were commissioned by some of the smaller boroughs to offer them to the highest bidder. Two of these, Reynolds and Hickey, were taken into custody, by order of the House; and some others were sent to Newgate.[2] While some boroughs were thus sold in the gross, the electors were purchased elsewhere by the most lavish bribery. The contest for the borough of Northampton was stated to have cost the candidates 'at least 30,000*l.* a side.'[3] Nay, Lord Spencer is said to have spent the incredible sum of 70,000*l.* in contesting this borough, and in the proceedings upon an election petition which ensued.[4]

New Shoreham case, 1771.

In 1771, the systematic bribery which had long prevailed at New Shoreham was exposed by an election committee—the first appointed under the Grenville Act.[5] It appeared that a corrupt association, comprising the majority of the electors, and calling itself the 'Christian Club,' had, under the guise of charity, been in the habit of selling the borough to the highest bidder, and dividing

[1] Letters of Lord Chesterfield to his Son, Dec. 19th, 1767; April 12th, 1768, iv. 269, 274.
[2] Walpole's Mem., iii. 157.
[3] Lord Chesterfield to his Son, April 12th, 1768, iv. 274.
[4] Walpole's Mem., iii. 193, *n*, by Sir D. Le Marchant.
[5] Cavendish Deb., i. 191.

the spoil amongst its members. They all fearlessly took the bribery oath, as the bargain had been made by a committee of their club, who abstained from voting: and the money was not distributed till after the election. But the returning officer, having been himself a member of the society, and knowing all the electors who belonged to it, had rejected their votes. This case was too gross to be lightly treated; and an act was passed to disfranchise the members of the club, eighty-one in number, and to admit to the franchise all the forty shilling freeholders of the Rape of Bramber. An address was also voted to prosecute the five members of the committee for a corrupt conspiracy.[1]

Hindon and Shaftesbury cases.

In 1775, bribery was proved to have prevailed so widely and shamelessly at Hindon, that an election committee recommended the disfranchisement of the borough:[2] and at Shaftesbury the same abuse was no less notorious.[3]

Cricklade case.

In 1782, the universal corruption of the electors of Cricklade was exposed before an election committee. It appeared that out of two hundred and forty voters, eighty-three had already been convicted of bribery; and that actions were pending against forty-three others.[4] A bill was accordingly brought in, to extend the franchise to all the freeholders of the adjoining hundreds. Even this moderate measure encountered much opposition, —especially in the Lords, where Lord Mansfield and Lord Chancellor Thurlow fought stoutly for the

[1] Com. Journ., xxxiii. 69, 102, 179; 11 Geo. III. c. 55.
[2] Com. Journ., xxxv. 118.
[3] *Ibid.*, 311.
[4] Parl. Hist., xxii. 1027, 1167, 1388.

corrupt electors. Though the bill did not seek to disfranchise a single person, it was termed a bill of pains and penalties, and counsel were heard against it. But the cause of the electors, even with such supporters, was too bad to be defended; and the bill was passed.[1]

There can be little doubt that the king himself was cognisant of the bribery which, at this period, was systematically used to secure Parliamentary support. Nay, more, he personally advised and recommended it. Writing to Lord North, 16th October, 1779, he said: 'If the Duke of Northumberland requires some gold pills for the election, it would be wrong not to satisfy him.'[2]

Bribery encouraged by the king

As these expenses were paid out of the king's civil list, his Majesty, however earnest in the cause, found them a heavy burthen upon his resources. Writing to Lord North on the 18th April, 1782, he said: 'As to the immense expense of the general election, it has quite surprised me: the sum is at least double of what was expended on any other general election since I came to the throne.'[3] And Lord North, in excusing himself for this heavy outlay, entered into some curious details, illustrative of the part which the king and himself had taken in various elections. He said: 'If Lord North had thought that the expense attending elections and re-elections in the years 1779, 1780, and 1781, would have amounted to 72,000*l.*,

[1] 22 Geo. III. c. 31.
[2] King's Letters to Lord North; Lord Brougham's Works, iii. 137, 138.
[3] Corr. of Geo. III with Lord North, ii 423.

he certainly would not have advised his Majesty to have embarked in any such expense.' And he proceeded to explain the reasons which had induced him to spend 5,000*l.* at Bristol, 8,000*l.* at Westminster, 4,000*l.* in Surrey, 4,000*l.* in the city of London, and how the last general election had altogether cost the crown 50,000*l.*, as well as certain pensions.[1]

Attempts to restrain corruption, 1768-1786.

When the disgraceful traffic in boroughs was exposed in the House of Commons, before the general election of 1768, Alderman Beckford brought in a bill requiring an oath to be taken by every member, that he had not been concerned in any bribery. According to Horace Walpole, the country gentlemen were favourable to this bill, as a protection against 'great lords, Nabobs, commissaries, and West Indians:'[2] but the extreme stringency of the oath, which was represented as an incitement to perjury,—a jealousy lest, under some of the provisions of the bill, the privileges of the House should be submitted to the courts of law,—and above all, a disinclination to deal hardly with practices, which all had been concerned in, had profited by, or connived at,—ultimately secured its rejection. Again, in 1782 and 1783, Lord Mahon vainly proposed bills to prevent bribery and expenses at elections. In 1786, he brought in a bill for the improvement of county elections, which was supported by Mr. Pitt, and passed by the Commons, but rejected by the Lords.[3] The same evil practices con-

[1] Corr. of Geo. III. with Lord North, ii. 424.
[2] Walp. Mem., iii. 153, 157, 159.
[3] Wraxall's Mem., iii. 136; Lord Stanhope's Life of Pitt, i. 294; Wyvill's Pol. Papers, iv. 542; Wilberforce's Life, i. 114.

tinued,—unchecked by legislation, connived at by statesmen, and tolerated by public opinion.

The system of purchasing seats in the House of Commons, however indefensible in principle, was at least preferable to the general corruption of electors, and in some respects, to the more prevalent practice of nomination. To buy a seat in Parliament was often the only means, by which an independent member could gain admission to the House of Commons. If he accepted a seat from a patron, his independence was compromised: but if he acquired a seat by purchase, he was free to vote according to his own opinions and conscience. Thus, we find Sir Samuel Romilly,—the most pure and virtuous of public men,—who had declined one seat from the favour of the Prince of Wales,[1] justifying the purchase of another, for the sake of his own independence, and the public interests. Writing in September, 1805, he says: 'As long as burgage-tenure representatives are only of two descriptions,—they who buy their seats, and they who discharge the most sacred of trusts at the pleasure, and almost as the servants of another,—surely there can be no doubt in which class a man would choose to enrol himself; and one who should carry his notions of purity so far, that, thinking he possessed the means of rendering service to his country, he would yet rather seclude himself altogether from Parliament, than get into it by such a violation of the theory of the constitution, must be under the dominion of a species of moral superstition which must wholly

Sale of seats, its uses

[1] Romilly's Life, ii. 114-120.

disqualify him for the discharge of any public duties.'[1]

The extent to which the sale of seats prevailed, and its influence over the composition of the House of Commons, may also be exemplified from the diary of Sir Samuel Romilly, in 1807. Thus he writes: 'Tierney, who manages this business for the friends of the late administration, assures me that he can hear of no seats to be disposed of. After a Parliament which had lived little more than four months, one would naturally suppose that those seats which are regularly sold by the proprietors of them, would be very cheap: they are, however, in fact, sold now at a higher price than was ever given for them before. Tierney tells me that he has offered 10,000*l.* for the two seats of Westbury, the property of the late Lord Abingdon, and which are to be made the most of by trustees for creditors, and has met with a refusal. 6,000*l.* and 5,500*l.* have been given for seats, with no stipulation as to time, or against the event of a speedy dissolution by the king's death, or by any change of administration. The truth is, that the new ministers have bought up all the seats that were to be disposed of, and at any prices. Amongst others, Sir C. H——, the great dealer in boroughs, has sold all he had to ministers. With what money all this is done I know not, but it is supposed that the king, who has greatly at heart to preserve this new administration, the favourite objects of his choice, has advanced a very large sum out of his privy purse.

[1] Diary; Life, ii. 122.

'This buying of seats is detestable; and yet it is almost the only way in which one in my situation, who is resolved to be an independent man, can get into Parliament. To come in by a popular election, in the present state of the representation, is quite impossible; to be placed there by some great lord, and to vote as he shall direct, is to be in a state of complete dependence; and nothing hardly remains but to owe a seat to the sacrifice of a part of one's fortune. It is true, that many men who buy seats do it as a matter of pecuniary speculation, as a profitable way of employing their money: they carry on a political trade; they buy their seats and sell their votes.'[1] He afterwards bought his seat for Horsham of the Duke of Norfolk, for 2,000*l.*[2]

Annual rents for seats in Parliament.

So regular was the market for seats, that where it was inconvenient to candidates to pay down the purchase-money, they were accommodated by its commutation into an annual rent. It was the sole redeeming quality of this traffic, that boroughs were generally disposed of to persons professing the same political opinions as the proprietors.[3] These nominees were unknown to

appraised at a money value. At Petersfield, for example, a candidate, by paying guineas instead of pounds, overcame the proprietor's repugnance to his politics.—*From private information.*

their constituents, and were sometimes under an engagement not to make their acquaintance.[1]

Sale of seats restrained by Act, 1809.

The practice of selling and letting seats, by which ministers themselves were sometimes compromised,[2] at last become so notorious, that it could no longer be openly tolerated by Parliament. In 1809, Mr. Curwen brought in a bill to prevent the obtaining of seats in Parliament by corrupt practices, which, after much discussion in both Houses, he succeeded in passing. It imposed heavy penalties upon corrupt agreements for the return of members, whether for money, office, or other consideration; and in the case of the person returned, added the forfeiture of his seat.[3]

This Act inoperative.

But notwithstanding these penalties, the sale of seats,—if no longer so open and avowed,—continued to be carried on by private arrangement, so long as nomination boroughs were suffered to exist, as one of the anomalies of our representative system. The representation of Hastings, being vested in a close corporation, was regularly sold, until the reform act had enlarged the franchise, for 6,000*l.*[4] And until 1832, an extensive sale of similar boroughs continued to be negotiated

[1] 'I came into Parliament for Newtown, in the Isle of Wight, a borough of Sir Leonard Holmes'. One condition required was, that I would never, even for the election, set foot in the place. So jealous was the patron lest any attempt should be made to get a new interest in the borough.'—Lord Palmerston's Diary, May, 1807; *Bulwer's Life*, i. 23.

[2] See cases of Lord Clancarty and Mr. Quentin Dick, in 1809: Hans. Deb., 1st Ser., xiv. 218, 486; Romilly's Life, ii. 280; Lord Colchester's Diary, ii. 169, 179.

[3] 49 Geo. III. c. 118; Hans. Deb., xiv. 354, 617, 837, 1032, &c. Lord Colchester's Diary, ii. 186, 179–193.

[4] From private information.

by the Secretary to the Treasury, by the 'whippers-in' of the opposition, and by proprietors and close corporations. So long as any boroughs remained, which could be bought and sold, the market was well supplied with buyers and sellers.

Government influence in larger boroughs.

Boroughs whose members were nominated, as to an office, and boroughs bought in the open market, or corrupted by lavish bribery, could not pretend to popular election. The members for such places were independent of the people, whom they professed to represent. But there were populous places, thriving ports, and manufacturing towns, whence representatives, freely chosen, might have been expected to find their way into the House of Commons. But these very places were the favourite resort of the government candidates. The seven years' war had increased the national debt, and the taxation of the country. The number of officers employed in the collection of the revenue was consequently augmented. As servants of the government, their votes were secured for the ministerial candidates. It was quite understood to be a part of their duty, to vote for any candidate who hoisted the colours of the minister of the day; and their number was the greatest, precisely where they were most needed by the government. The smaller boroughs were already secured by purchase or overwhelming local interest: but the cities an[d] ports had some pretensions to independence. Her[e,] however, troops of petty officers of customs a[nd] excise were driven to the poll, and,—support[ed] by venal freemen,—overpowered the independ[ent] electors.

Revenue officers disfranchised.

In 1768, Mr. Dowdeswell had in vain endeavoured to insert a clause in Alderman Beckford's bribery bill, for the disqualification of revenue officers. In 1770, he proposed a bill to disqualify these officers from voting at elections, and was supported by Mr. Grenville. It was urged, however, that they were already prohibited from interfering at elections, though not from voting; and that no further restraint could reasonably be required. But, in truth, the ministry of Lord North were little disposed to surrender so important a source of influence, and the bill was accordingly rejected.[1]

The measure, however, was merely postponed for a time. The dangerous policy of the court, under Lord North,—and its struggle to rule by prerogative and influence,—convinced all liberal statesmen of the necessity of protecting public liberty, by more effectual safeguards. Meanwhile the disastrous American war further aggravated the evils of taxes, and tax-collectors.

In 1780, a bill to disqualify revenue officers was proposed by Mr. Crewe, and though rejected on the second reading, it met with much more support than Mr. Dowdeswell's previous measure.[2] It was again brought forward in 1781, with less success than in the previous year.[3] But the time was now at hand, when a determined assault was contemplated upon the influence of the crown; and in 1782, the dis-

[1] By a majority of 263 to 188, Parl. Hist., [illegible]; Cavendish Deb., i. 442.
[2] The numbers were 224 to 195, Parl. Hist., xxi. [illegible]
[3] The numbers being 133 to [illegible], Parl. Hist., xxi. [illegible]

qualification of revenue officers,—which had hitherto been an opposition measure,—was proposed by the ministry of Lord Rockingham. Its imperative necessity was proved by Lord Rockingham himself, who stated that seventy elections chiefly depended on the votes of these officers; and that eleven thousand five hundred officers of customs and excise were electors.[1] In one borough, he said that one hundred and twenty out of the five hundred voters had obtained revenue appointments, through the influence of a single person.

This necessary measure was now carried through both Houses, by large majorities, though not without remonstrances against its principle, especially from Lord Mansfield. It is not to be denied that the disqualification of any class of men is, abstractedly, opposed to liberty, and an illiberal principle of legislation; but here was a gross constitutional abuse requiring correction; and though many voters were deprived of the rights of citizenship,—these rights could not be freely exercised, and were sacrificed in order to protect the general liberties of the people. Had there been a franchise so extensive as to leave the general body of electors free to vote, without being overborne by the servants of the crown, it would have been difficult to justify the policy of disfranchisement.[2] But with a franchise so restricted that the electors were controlled by the

[1] June 3rd, 1782; Parl Hist, xxii. 95.

[2] This principle has since been recognised by the Legislature; and in 1868, the repeal of this disqualification accompanied the extended franchises of that time.—31 & 32 Vict. c. 73, 101; Hans. Deb, 3rd Ser., 1352, &c.

the fury of a drunken mob. Even now, a contested election, which lasts but a day, is often a reproach to a civilised people. What then must it have been before any of its worst vices had been controlled, and when it continued for upwards of a month?

The most conspicuous example of all the abuses of which the old electoral system was capable, was that of the Westminster election, in 1784. Mr. Fox had incurred the violent resentment of the government, by his recent opposition to Mr. Pitt, and the court party. It had been determined, that all the members who had supported the coalition should be opposed, at the general election; and Mr. Fox, their ablest leader, was the foremost man to be assailed. The election,—disgraced throughout by scenes of drunkenness, tumult, and violence,[1]—and by the coarsest libels and lampoons,—was continued for forty days. When the poll was closed, Mr. Fox was in a majority of two hundred and thirty-six above Sir Cecil Wray, one of the court candidates. But he was now robbed of the fruits of his victory by the High Bailiff, who withheld his return, and commenced a scrutiny into the votes. By withholding the return, after the day on which the writ was returnable, he denied the successful candidate his right to sit in Parliament; and anticipated the jurisdiction of the House of Commons, by which court alone, the validity of the election could then properly be determined. This

Westminster election, 1784

[1] In one of the brawls which arose during its progress, a man was killed, whose death was charged against persons belonging to Mr. Fox's party, but they were all acquitted.

unwarrantable proceeding would have excluded Mr. Fox from his rightful place in Parliament; but he had already been returned for Kirkwall, and took his seat, at the commencement of the session.

Apart from the vexation and injustice to which Mr. Fox had been exposed, the expense of the scrutiny was estimated at 18,000l. In vain his friends endeavoured to induce the House of Commons to order the High Bailiff to make an immediate return. That officer was upheld by Mr. Pitt, who was followed, at first, by a large majority. Mr. Fox, in his bitterness, exclaimed: 'I have no reason to expect indulgence: nor do I know that I shall meet with bare justice in this House.' As no return had been made, which could be submitted to the adjudication of an election committee, Mr. Fox was at the mercy of a hostile majority of the House. The High Bailiff was, indeed, directed to proceed with the scrutiny, with all possible [illegible]; but at the commencement of the following session, when the scrutiny had been proceeding for [illegible] months, it had only been completed in [illegible] parish; and had but slightly affected the relative position of the candidates. Notwithstanding [illegible] exposure of the [illegible] Mr. Pitt still [illegible] High Bailiff to make [illegible] [illegible] the iniquity of the [illegible] [illegible] a large majority [illegible] March, [illegible]

eight.[1] The minister was justly punished for his ungenerous conduct to an opponent, and for his contempt of the law,—indignantly ascribed by Mr. Fox, to 'the malignant wish of gratifying an inordinate and implacable spirit of resentment.'[2] But a system which had thus placed a popular candidate,—in one of the first cities of the kingdom,—at the mercy of factious violence, and ministerial oppression, was a flagrant outrage upon the principles of freedom. Parliament further marked its reprobation of such proceedings, by limiting every poll to fifteen days, and closing a scrutiny six days before the day on which the writ was returnable.[3]

Territorial influence in counties

In the counties, the franchise was more free and liberal, than in the majority of cities and boroughs. All forty-shilling freeholders were entitled to vote; and in this class were comprised the country gentlemen, and independent yeomanry of England. Hence the county constituencies were at once the most numerous, the most responsible, and the least corrupt. They represented public opinion more faithfully than other electoral bodies; and, on many occasions, had great weight in advancing a popular cause. Such were their respectability and public spirit, that most of the earlier schemes of parliamentary reform contemplated the disfranchisement of boroughs, and

[1] By 162 against 124; Ann. Reg., 1784, xxvii. 180; Adolphus's Hist., iv. 115-118, 168.

[2] Parl. Hist., xxiv. 808, 840, 846; *Ibid.*, xxv. 3; Tomline's Life of Pitt, i. 542, ii. 7, 24, &c.; Lord J. Russell's Life of Fox, ii. 99, Lord Stanhope's Life of Pitt, i. 207-211, 253.

[3] 25 Geo. III. c. 84.

the simple addition of members to the counties. But notwithstanding their unquestionable merits, the county electors were peculiarly exposed to the influence of the great nobles, who held nearly a feudal sway. Illustrious ancestry, vast possessions, high offices, distinguished political services and connections, placed them at the head of the society of their several counties; and local influence, and the innate respect for aristocracy which animates the English people, combined to make them the political leaders of the gentry and yeomanry. In some counties, powerful commoners were no less dominant. The greater number of the counties in England and Wales were represented by members of these families, or by gentlemen enjoying their confidence and patronage.[1]

A contested election was more often due to the rivalry of great houses, than to the conflict of political principles among the electors: but, as the candidates generally belonged to opposite parties, their contentions produced political discussion and enlightenment. Such contests were conducted with the spirit and vigour which rivalry inspires, and with an extravagance which none but princely fortunes could support. They were like the wars of small states. In 1768, the Duke of Portland is said to have spent 40,000*l.* in contesting Westmoreland and Cumberland with Sir James Lowther; who, on his side, must have spent at least as much.[2] In 1779, Mr. Chester spent between 20,000*l.* and

[1] Oldfield's Representative Hist., vi. 285.
[2] Walpole's Mem., iii. 197.

30,000*l.* in a great contest for Gloucestershire, and left, at his death, from 3,000*l.* to 4,000*l.* unpaid, of which 2,000*l.* was defrayed by the king, out of his civil list.[1] And, within the memory of some men still living, an election for the county of York has been known to cost upwards of 150,000*l.*[2]

Representation of Scotland.

Great as were the defects of the representation of England,—those of Scotland were even greater, and of more general operation. The county franchise consisted in 'superiorities,' which were bought and sold in the market, and were enjoyed independently of property or residence. The burgh franchise was vested in self-elected town-councillors. The constituencies, therefore, represented neither population nor property: but the narrowest local interests. It was shown in 1823, that the total number of persons enjoying the franchise was less than three thousand. In no county did the number of electors exceed two hundred and forty: in one it was as low as nine; and of this small number, a considerable proportion were fictitious voters,—without property, and not even resident in the country.[3]

In 1831, the total number of county voters did not exceed two thousand five hundred; and the constituencies of the sixty-six boroughs amounted

[1] Lord North to the King; Corr. of Geo. III. with Lord North, ii. 424

[2] Speech of Lord J. Russell, March 1st, 1831; Hans. Deb. 2nd [illegible]

[3] Hans. Deb., 2nd Ser., ix. 611.

to one thousand four hundred and forty. Thus the entire electoral body of Scotland was not more than four thousand. The county of Argyll, with a population of one hundred thousand, had but one hundred and fifteen electors, of whom eighty-four were out-voters, without any land within the county. Caithness, with thirty thousand inhabitants, contained forty-seven freeholders, of whom thirty-six were out-voters. Inverness-shire, with ninety thousand inhabitants, had but eighty-eight freeholders, of whom fifty were out-voters. Edinburgh and Glasgow, the two first cities of Scotland, had each a constituency of thirty-three persons.[1]

With a franchise so limited and partial as this, all the counties and burghs, without exception, had fallen under the influence of political patrons.[2] A great kingdom, with more than two millions of people,[3]—intelligent, instructed, industrious, and peaceable,—was virtually disfranchised. Meanwhile, the potentates who returned the members to Parliament,—instead of contending among themselves, like their brethren in England, and joining opposite parties,—were generally disposed to make their terms with ministers; and by skilful management, the entire representation was engrossed by the friends and agents of the government. It was not secured, however, without a profuse distribution of patronage, which, judiciously administered, had

[1] Speech of Lord Advocate, Sept. 23rd, 1831; Hans. Deb., 3rd Ser., vii. 529.

[2] Oldfield's Representative Hist., vi. 294; Edinburgh Review, Oct. 1830, Art. X.

[3] The population of Scotland in 1831 was 2,365,807.

long retained the allegiance of members coming from the north of the Tweed.[1]

Lord Cockburn, a contemporary witness, has given a spirited account of the mode in which elections in Scotland were conducted. He says: 'The return of a single opposition member was never to be expected. . . . The return of three or four was miraculous, and these startling exceptions were always the result of local accidents. . . . Whatever this system may have been originally, it had grown, in reference to the people, into as complete a mockery, as if it had been invented for their degradation. The people had nothing to do with it. It was all managed by town-councils, of never more than thirty-three members; and every town-council was self-elected, and consequently perpetuated its own interests. The election of either the town or the county member, was a matter of such utter indifference to the people, that they often only knew of it by the ringing of a bell, or by seeing it mentioned next day in a newspaper; for the farce was generally performed in an apartment from which, if convenient, the public could be excluded, and never in the open air.'[2]

Where there were districts of burghs, each town-council elected a delegate, and the four or five delegates elected the member; 'and, instead of bribing the town-councils, the established practice

[1] It was said of one Scotch county member, 'that his invariable rule was never to be present at a debate, or absent at a division, [illegible] ventured to vote [illegible] that occasion he

was to bribe only the delegates, or indeed only one of them, if this could secure the majority.'[1]

A case of inconceivable grotesqueness was related by the Lord Advocate, in 1831. The county of Bute, with a population of fourteen thousand, had twenty-one electors, of whom *one* only resided in the county. 'At an election at Bute, not beyond the memory of man, only one person attended the meeting, except the sheriff and the returning officer. He, of course, took the chair, constituted the meeting, called over the roll of freeholders, answered to his own name, took the vote as to the Preses, and elected himself. He then moved and seconded his own nomination, put the question as to the vote, and was unanimously returned.'[2]

This close system of elections had existed even before the Union: but though sufficiently notorious, the British Parliament had paid little attention to its defects.

Motions by Lord Archibald Hamilton, *1818, 1823.*

In 1818, and again in 1823, Lord Archibald Hamilton had shown the state of the Royal Burghs,—the self-election, and irresponsibility of the councillors,—and their uncontrolled authority over the local funds. The questions then raised referred to municipal rather than parliamentary reform: but the latter came incidentally under review, and it was admitted that there was 'no popular election, or pretence of popular election.'[3] In 1823, Lord Archibald ex-

[1] Cockburn's Mem., i. 88.
[2] Hans. Deb., 3rd Ser., vii. 529.
[3] Sir J. Mackintosh; Hans. Deb., 1st Ser., xxxvii. 434; *Ibid.*, 2nd Ser., viii. 735.

posed the state of the county representation, and the general electoral system of the country, and found one hundred and seventeen supporters.[1]

Representation of Edinburgh, 1826

In 1824, the question of Scotch representation was brought forward by Mr. Abercromby. The inhabitants of Edinburgh complained, by petition,[2] that the representation of this capital city—the metropolis of the North, with upwards of one hundred thousand inhabitants—was returned by thirty-three electors, of whom nineteen had been chosen by their predecessors in the town-council! Mr. Abercromby moved for leave to bring in a bill to amend the representation of that city,—as an instalment of parliamentary reform in Scotland. His motion failed, and being renewed in 1826, was equally unsuccessful. Such proposals were always met in the same manner. When general measures of reform were advocated, the magnitude of the change was urged as the reason for rejecting them; and when, to obviate such objections, the correction of any particular defect was attempted, its exceptional character was a decisive argument against it.[3]

Representation of Ireland.

Prior to 1801, the British Parliament was not concerned in the state of the representation of the people of Ireland. But on the union of that country, the defects of its representation were added to those of England and Scotland, in

[1] Hans Deb., 2nd Ser., ix. 611.
[2] This petition had been presented [illegible]

the constitution of the united Parliament. The counties and boroughs in Ireland were at least as much under the influence of great patrons as in England. It is true, that in arranging the terms of the union, Mr. Pitt took the opportunity of abolishing several of the smaller nomination boroughs: but many were spared, which were scarcely less under the patronage of noblemen and landowners; and places of more consideration were reduced, by restricted rights of election, to a similar dependence. In Belfast, in Carlow, in Wexford, and in Sligo, the right of election was vested in twelve self-elected burgesses: in Limerick and Kilkenny, it was in the corporation and freemen. In the counties, the influence of the territorial families was equally dominant. For the sake of political influence, the landowners had subdivided their estates into a prodigious number of forty-shilling freeholds; and until the freeholders had fallen under the dominion of the priests, they were faithful to their Protestant patrons. According to the law of Ireland, freeholds were created without the possession of property; and the votes of the freeholders were considered as the absolute right of the proprietor of the soil. Hence it was that after the union more than two thirds of the Irish members were returned, not by the people of Ireland, but by about fifty or sixty influential patrons.[1]

[1] Wakefield's Statistical and Political Account of Ireland, ii. 299, *et seq.*; Oldfield's Representative Hist., vi. 209–280; *Infra*, Chap. XVI.

Such being the state of the representation in the United Kingdom, an actual majority of the members of the House of Commons were returned by an inconsiderable number of persons. According to a statement made by the Duke of Richmond in 1780, not more than six thousand men returned a clear majority of the House of Commons.[1] It was alleged in the petition of the Society of the Friends of the People, presented by Mr. Grey in 1793, that eighty-four individuals absolutely returned one hundred and fifty-seven members to Parliament; that seventy influential men secured the return of one hundred and fifty members; and that, in this manner, three hundred and fifty-seven members,—being the majority of the House, before the union with Ireland,—were returned to Parliament by one hundred and fifty-four patrons; of whom forty were peers.[2] In 1821, Mr. Lambton stated that he was prepared to prove by evidence, at the bar of the House of Commons, 'that one hundred and eighty individuals returned, by nomination or otherwise, three hundred and fifty members.'[3]

Majority of the members nominated

Dr. Oldfield's Representative History furnishes still more elaborate statistics of parliamentary patronage. According to his detailed statements, no less than two hundred and eighteen members were returned for counties and boroughs, in England

[1] Parl. Hist., xxi 686. [2] *Ibid*, xxx. 787.
[3] Hans Deb, 2nd Ser, v 359. Writing in 1821, Sydney Smith says 'The country belongs to the Duke of Rutland, Lord Lonsdale, the Duke of Newcastle, and about twenty other holders of boroughs. They are our masters.'—*Mem*, ii 215.

and Wales, by the nomination or influence of eighty-seven peers: one hundred and thirty-seven were returned by ninety commoners, and sixteen by the Government; making a total number of three hundred and seventy-one nominee members. Of the forty-five members for Scotland, thirty-one were returned by twenty-one peers, and the remainder by fourteen commoners. Of the hundred members for Ireland, fifty-one were returned by thirty-six peers, and twenty by nineteen commoners. The general result of these surprising statements is,—that of the six hundred and fifty-eight members of the House of Commons, four hundred and eighty-seven were returned by nomination; and one hundred and seventy-one only were representatives of independent constituencies.[1] Such matters did not admit of proof, and were beyond the scope of parliamentary inquiries: but after making allowances for imperfect evidence and exaggeration, we are unable to resist the conclusion, that not more than one third of the House of Commons were the free choice even of the limited bodies of electors then entrusted with the franchise.

Injustice in the trial of election petitions.

Scandalous as were the electoral abuses which law and custom formerly permitted, the conduct of the House of Commons, in the trial of election petitions, was more scandalous still. Boroughs were bought and sold,—electors were notoriously bribed by wholesale and retail,—returning officers were partial and corrupt. But, in defiance of all justice and decency, the

1 Oldfield's Representative Hist., 1816, vi. 285-300.

majority of the House of Commons connived at these practices, when committed by their own party; and only condemned them, when their political opponents were put upon their trial. *Dat veniam corvis,—vexat censura columbas.* The Commons having, for the sake of their own independence, insisted upon an exclusive jurisdiction in matters of election, were not ashamed to prostitute it to party. They were charged with a grave trust, and abused it. They assumed a judicial office, and dishonoured it. This discreditable perversion of justice had grown up with those electoral abuses, which an honest judicature would have tended to correct; and reached its greatest excesses in the reigns of George II. and George III.

Originally, controverted elections had been tried by select committees specially nominated, and afterwards by the Committee of Privileges and Elections. This latter committee had been nominated by the House itself, being composed of Privy Councillors and eminent lawyers, well qualified by their learning for the judicial inquiries entrusted to them. In 1603, it comprised the names of Sir Francis Bacon and Sir Thomas Fleming;[1] in 1623, the names of Sir Edward Coke, Sir Heneage Finch, Mr. Pym, Mr. Glanville, Sir Roger North, and Mr. Selden.[2] The committee was then confined to the members nominated by the House itself:[3] but being afterwards enlarged by the introduction of all Privy Councillors

[1] Com. Journ., i. 149 (March 23rd, 1603). There are earlier appointments in D'Ewes' Journal.

[2] Com. Journ., i. 716, Glanville's Rep., Pref. vii.

[3] Com. Journ., i. 716; Cavendish Deb., i. 608.

and Gentlemen of the Long Robe, it became, after 1672, an open committee, in which all who came were allowed to have voices. This committee was henceforth exposed to all the evils of large and fluctuating numbers, and an irresponsible constitution: and at length, in the time of Mr. Speaker Onslow, a hearing at the bar of the House itself,—which in special cases had already been occasionally resorted to,—was deemed preferable to the less public and responsible judicature of the committee. Here, however, the partiality and injustice of the judges were soon notorious. The merits of the election, on which they affected to adjudicate, were little regarded. To use the words of Mr. Grenville, 'The court was thin to hear, and full to judge.'[1] Parties tried their strength,—the friends of rival candidates canvassed and manœuvred,—and seats corruptly gained, were as corruptly protected, or voted away. The right of election was wrested from the voters, and usurped by the elected body, who thus exercised a vicious self-election. The ministers of the day, when they commanded a majority, sustained their own friends; and brought all their forces to bear against the members of the Opposition. This flagitious custom formed part of the parliamentary organisation, by which the influence of the crown and its ministers was maintained. It was not until a government was falling, that its friends were in danger of losing their seats. The struggle between Sir Robert Walpole and his enemies was determined in 1741,—

[1] This had been previously said of the House of Lords, by the Duke of Argyll.

not upon any question of public policy,—but by the defeat of the minister on the Chippenham Election Petition.

To remedy these evils, and remove the opprobrium of notorious injustice from the House of Commons, Mr. Grenville introduced, in 1770, his celebrated measure,—since known as the Grenville Act, and a landmark in the Parliamentary history. He proposed to transfer the judicature, in election cases, from the House itself, to a committee of thirteen members, selected by the sitting members and petitioners from a list of forty-nine, chosen by ballot,—to whom each party should add a nominee, to advocate their respective interests. This tribunal, constituted by Act of Parliament, was to decide, without appeal, the merits of every controverted election: being, in fact, a court independent of the House, though composed of its own members.[1] The main objection urged against this measure was that the privileges of the House were compromised, and its discretion limited, by the binding obligations of a statute. It is certain that much might have been done by the authority of the House itself, which was henceforth regulated by a statute,—the only legal power required, being that of administering an oath. But Mr. Grenville distrusted the House of Commons, and saw no security for the permanence, or honest trial of the new [illegible] except in a law which they could not set aside.

The Grenville Act, 1770

This Act was at first limited [illegible] Horace Walpole insinuates that [illegible]

[1] Parl. Hist., xv [illegible]

in opposition, was willing 'to give a sore wound to the influence of the crown:' but hoping to return to office, took care not to weaken his own future power as a minister.[1] But the suggestion for making the Act temporary proceeded from Lord Clare,[2] and not from Mr. Grenville, who was honestly persuaded that the 'system must end in the ruin of public liberty, if not checked.'[3] At this time his health and spirits were failing; and he died a few months after the passing of his measure.

Made perpetual.

The Grenville Act was continued from time to time; and in 1774, Sir Edwin Sandys brought in a bill to make it perpetual. It encountered a strong opposition, especially from Mr. Fox, who dreaded the surrender of the privileges of the House: but the successful operation of the Act, in the five cases which had already been tried under its provisions, was so generally acknowledged, that the bill was passed by a large majority.[4] 'This happy event,' wrote Lord Chatham, 'is a dawn of better times; it is the last prop of Parliament: should it be lost in its passage, the legislature will fall into incurable contempt, and detestation of the nation.' 'The Act does honour to the statute-book, and will endear for ever the memory of the framer.'[5]

This Act was passed on the eve of another general election, which does not appear—so far as evidence

[1] Walp. Mem. Geo. III., ii. 384, *n.*
[2] Cavendish Deb., i. 513.
[3] Hatsell's Prec., ii. 21.
[4] 250 to 122; Parl. Hist., xvii. 1071; Fox Mem., i. 95, 133; Walpole's Journ., i. 314-325.
[5] Letter to Lord Shelburne, March 6th, 1774; Corr., iv. 332.

is accessible—to have been marked by so much corruption as that of 1768. But the value of boroughs had certainly not declined in the market, as Gatton was sold for 75,000*l.*[1]

Its imperfect success.

For a time this measure undoubtedly introduced a marked improvement in the judicature of the House of Commons. The disruption of the usual party combinations, at that period, was favourable to its success; and the exposure of *former abuses discouraged their immediate renewal,* in another form. But too soon it became evident, that corruption and party spirit had not been overcome.[2] Crowds now attended the ballot, as they had previously come to the vote,—not to secure justice, but to aid their own political friends. The party which attended in the greatest force, was likely to have the numerical majority of names drawn for the committee. From this list each side proceeded to strike thirteen of its political opponents: and the strongest thus secured a preponderance on the committee. Nor was this all. The ablest men being most feared by their opponents, were almost invariably struck off,—a process familiarly known as 'knocking the brains out of the committee;' and thus the committee became at once partial and incompetent. The members of the committee were sworn to do justice between the rival candidates; yet the circumstances under which they were notoriously chosen, their own party bias, and a low conventional morality,—favoured by the obscurity and

[1] Lord Mahon's Hist., vi. 27.
[2] Walpole's Mem., iv. 111 and n.

inconsistencies of the election law, and by the conflicting decisions of incapable tribunals,—led to this equivocal result:—that the right was generally discovered to be on the side of the candidate who professed the same political opinions as the majority of the committee.[1] A Whig candidate had scant justice from a Tory committee: a Tory candidate pleaded in vain before a Whig committee.

Improved constitution of election committees.

By these means, the majority of the House continued,—with less directness and certainty, and perhaps with less open scandal,—to nominate their own members, as they had done before the Grenville Act. And for half a century, this system, with slight variations of procedure, was suffered to prevail. In 1839, however, the ballot was at length superseded by Sir Robert Peel's Act:[2] committees were reduced to six members, and nominated by an impartial body,—the general committee of elections. The same principle of selection was adhered to in later Acts, with additional securities for impartiality; and the committee was finally reduced to five members.[3] The evil was thus greatly diminished: but still the sinister influence of party was not wholly overcome. In the nomination of election committees, one party or the other necessarily had a majority of one; and though these tribunals undoubtedly became far more able and judicial, their constitution and proceedings

[1] These evils were ably exposed in the *Report of the Committee on Controverted Elections* (Mr. C. Buller), 1837–38, No. 44.

[2] 2 & 3 Vict. c. 38; Hans. Deb., 3rd Ser., xlv. 379; *Ibid.*, xlvii. 576, &c.

[3] 4 & 5 Vict. c. 58, and 11 & 12 Vict. c. 98; Report on Controverted Elections, 1844, No. 373.

too often exposed them to imputations of political bias.[1]

Such being the vices and defects of the electoral system,—what were their results upon the House of Commons? Representatives holding their seats by a general system of corruption, could scarcely fail to be themselves corrupt. What they had bought, they were but too ready to sell. And how glittering the prizes offered as the price of their services! Peerages, baronetcies, and other titles of honour,—patronage and court favour for the rich,—places, pensions, and bribes for the needy. All that the government had to bestow, they could command. The rapid increase of honours[2] attests the liberality with which political services were rewarded; while contemporary memoirs and correspondence disclose the arts by which many a peerage has been won.

Distribution of places and pensions.

From the period of the Revolution, places and pensions were regarded as the price of political dependence; and it has since been the steady policy of Parliament to restrain the number of placemen entitled to sit in the House of Commons. To William III. fell the task of first working out the difficult problem of a constitutional government; and among his expedients for controlling his Parliaments, was that of a multiplication of offices. The country party at once perceived the danger with which their newly-bought

Restrained by Parliament.

[1] At length, in 1868, the trial of controverted elections was transferred to judges of the superior courts. 31 & 32 Vict. c. 125.
[2] See *supra*, pp. 277, 323.

liberties were threatened from this cause, and endeavoured to avert it. In 1693, the Commons passed a bill to prohibit all members hereafter chosen from accepting any office under the crown: but the Lords rejected it. In the following year it was renewed, and agreed to by both Houses; when the king refused his assent to it. Later in his reign, however, this principle of disqualification was commenced,—the Commissioners of Revenue Boards being the first to whom it was applied.[1] And at last, in 1700, it was enacted that after the accession of the House of Hanover, 'no person who has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the House of Commons.'[2] This too stringent provision, however, was repealed,—before it came into operation,—early in the reign of Anne.[3] It was, indeed, incompatible with the working of constitutional government; and if practically enforced, would have brought Parliament into hopeless conflict with the executive.

Acts of Anne, George I., and II.

By the Act of Settlement of that reign, other restrictions were introduced, far better adapted to correct the evils of corrupt influence. The holder of every new office created after the 25th of October, 1705, and every one enjoying a pension from the crown, during pleasure, was incapacitated from sitting in Parliament; and members of the House of Commons accepting

[1] 4 & 5 Will. & Mary, c. 21 (Stamps); 11 & 12 Will. III. c. 2 (Excise).

[2] 12 & 13 Will. III. c. 2, s. 3.

[3] 4 Anne, c. 8, s. 25.

any old office from the crown, were obliged to vacate their seats, but were capable of re-election.[1] It was the object of this latter provision to submit the acceptance of office, by a representative, to the approval of his constituents: a principle which,—notwithstanding several attempts to modify it,—has since been resolutely maintained by the legislature.[2] Restrictions were also imposed upon the multiplication of commissioners.[3]

Secret Pensions.

At the commencement of the following reign, incapacity was extended to pensioners for terms of years;[4] but as many pensions were then secretly granted, the law could not be put in force. In the reign of George II. several attempts were made to enforce it: but they all miscarried.[5] Lord Halifax, in debating one of these bills, said that secret pensions were the worst form of bribery: 'A bribe is given for a particular job: a pension is a constant, continual bribe.'[6] Early in the reign of George III. Mr. Rose Fuller—who had been a stanch Whig,—was bought off by a secret pension of 500*l.*, which he enjoyed for many years. The cause of his apostasy was not discovered until after his death.[7]

[1] 6 Anne, c. 7.

[2] A modification of this law, however, was made by the Reform Act of 1867, in favour of members who may be removed from one office under the Crown to another.—30 & 31 Vict., c. 102, s. 52, and sch. H.

[3] 6 Anne, c. 7.

[4] 1 Geo. I. c. 56.

[5] No less than six bills were passed by the Commons, and rejected by the Lords. Parl. Hist., viii. 789; *Ibid.*, ix. 369; *Ibid.*, xi. 510; *Ibid.*, xii. 591.

[6] Parl. Hist., xi. 522.

[7] Almon's Corr., ii. 8; Rockingham Mem., i. 79, *n.*

Still the policy of restricting the number of offices capable of being held by members of the House of Commons, was steadily pursued. In 1742, the Place Bill, which had been thrice rejected by the Commons, and twice by the Lords, at length received the Royal assent.[1] It was stated in a Lords' protest, that two hundred appointments were then distributed amongst the members of the House of Commons.[2] This Act added many offices to the list of disqualifications, but chiefly those of clerks and other subordinate officers of the public departments.

By these measures the excessive multiplication of offices held by members had been restrained: but in the reign of George III. their number was still very considerable; and they were used,—almost without disguise,—as the means of obtaining parliamentary support. Horace Walpole has preserved a good example of the unblushing manner in which bargains were made for the votes of members, in exchange for offices. Mr. Grenville wrote him a letter, proposing to appoint his nephew, Lord Orford, to the rangership of St. James's and Hyde Parks. He said, 'If he does choose it, I doubt not of his and his friend Boone's hearty assistance, and believe I shall see you, too, much oftener in the House of Commons. This is offering you a bribe, but 'tis such a one as one honest good-natured man may, without offence, offer to another.' As Walpole did not receive this communication with much warmth, and

[1] 15 Geo. II. c. 22.
[2] Lords' Protests, 1741; Parl. Hist., xii. 2.

declined any participation in the bargain, payments due to him on account of his patent offices in the Exchequer, were stopped at the Treasury, for several months.[1]

The Whig statesmen of this period, who were striving to reduce the influence of the crown, were keenly alive to the means of corruption which a multiplicity of places still afforded. 'The great number of offices,' said Lord Rockingham, 'of more or less emolument, which are now tenable by parties sitting in Parliament, really operate like prizes in a lottery. An interested man purchases a seat, upon the same principle as a person buys a lottery ticket. The value of the ticket depends upon the quantum of prizes in the wheel.'[2] It was to remove this evil, even more than for the sake of pecuniary saving, that Mr. Burke, in 1780, proposed to abolish thirty-nine offices held by members of the House of Commons, and eleven held by peers. And by Lord Rockingham's act for the regulation of the civil list expenditure in 1782, several offices connected with the government and royal household were suppressed, which had generally been held by members of Parliament; and secret pensions were discontinued.[3]

Lord Rockingham's Act, 1782.

In 1793, the Parliament of Ireland adopted the principles of the English act of Anne, and disqualified the holders of all offices under the crown or lord-lieutenant, created after that time. On the union with Ireland all the disquali-

[illegible]

[1] [illegible]

[2] [illegible]

[3] [illegible]

disqualifications of the Irish Parliament were extended to the Parliament of the United Kingdom; and several new disqualifications were created, in reference to Irish offices.[1]

The general scheme of official disfranchisement [illegible] completed: but the jealousy of [illegible] Parliament was still shown by the disqualification of new offices appointed by Acts of Parliament. So constant has been this policy, that upwards of one hundred statutes, still in force, contain clauses of disqualification; and many similar statutes have been passed, which have since expired, or have been repealed.[2]

The result of this vigilant jealousy has been a great reduction of the number of placemen sitting in the House of Commons. In the first Parliament of George I. there had been two hundred and seventy-one members holding offices, pensions, and sinecures. In the first Parliament of George II. there were two hundred and fifty-seven: in the first Parliament of George IV. there were but eighty-nine, exclusive of officers in the army and navy.[3] The number of placemen, sitting in the House of Commons, has been further reduced by the abolition and consolidation of offices; and in 1833, there were only sixty members holding civil offices and pensions, and eighty-three holding naval and military commissions.[4]

[1] 41 Geo. III. c. 52.

[2] Author's Pamphlet on the Consolidation of the Election Laws, 1850.

[3] Report on Returns made by Members, 1822 (542); 1823 (569); Hans. Deb., 3rd Ser., ii. 1118, n.

[4] Report on Members in Office, 1833, No. 671.

The policy of disqualification has been maintained to the present time. The English judges had been excluded from the House of Commons, by the law of Parliament. In the interests of justice, as well as on grounds of constitutional policy, this exclusion was extended to their brethren of the Scottish bench, in the reign of George II.,[1] and to the judges of the courts in Ireland, in the reign of George IV.[2] In 1840, the same principle was applied to the Judge of the Admiralty Court.[3] All the new judges in equity were disqualified by the acts under which they were constituted. The solitary judge still enjoying the capacity of sitting in the House of Commons, is the Master of the Rolls. In 1853, a bill was introduced to withdraw this exceptional privilege: but it was defeated by a masterly speech of Mr. Macaulay.[4]

Judicial officers disqualified

These various disqualifications were deemed necessary for securing the independence of Parliament; and their policy is still recognised, when the dangers they were designed to avert, are less to be apprehended. It is true that independence has been purchased at the cost of much intellectual eminence, which the House of Commons could ill afford to spare: but this sacrifice was due to constitutional freedom, and it has been wisely made.

Policy of disqualifications.

[1] 7 Geo. II. c. 16. [2] 1 & 2 Geo. IV. c. 44

[3] Much to the personal regret of all who were acquainted with that eminent man, Dr. Lushington, who lost the seat in which he had so long distinguished himself.

[4] *Judges' Exclusion Bill, June 1st, 1853*; Hans. Deb., 3rd Ser., cxxvii. 996.

But the independence of Parliament was formerly more corrupted by grosser expedients than places and pensions. Vulgar bribes were given,—directly and indirectly,—for political support. Our parliamentary history was tainted with this disgrace, from the reign of Charles II. far into that of George III. That Charles, himself unscrupulous and corrupt, should have resorted to bribery, is natural enough. His was a dissolute reign, in which all forms of corruption flourished. Members were then first systematically exposed to the temptation of pecuniary bribes. In the reigns of the Tudors and the earlier Stuarts, prerogative had generally been too strong to need the aid of such persuasion;[1] but after prerogative had been rudely shaken by the downfall of Charles I., it was sought to support the influence of the crown by the subtle arts of corruption. Votes which were no longer to be controlled by force were purchased with gold. James II., again,—independent of a servile Parliament, and bent upon ruling once more by prerogative,—disdained the meaner arts of bribery.[2]

The Revolution, however favourable to constitutional liberty, revived and extended this scandal; and the circumstances of the times unhappily favoured its development. The prerogative of the

[1] According to Lord Bolingbroke, Richard II. obliged members, sometimes by threats and terror, and sometimes by gifts, to consent to those things which were prejudicial to the realm.'—*Works*, iii. [illegible]. Mr. Hallam traces the bribery of members from James I. —Const. Hist., [illegible]. Bribery, as a system, however, cannot be traced earlier than Charles II.

[2] [illegible] Barillon's Despatch, [illegible] April [illegible]; Fox's Hist. of James II., App. [illegible]; Bolingbroke's Works, [illegible]

crown had been still further limited: the power and activity of Parliament being proportionately increased, while no means had yet been taken to ensure its responsibility to the people. A majority of the House of Commons,—beyond the reach of public opinion,—not accountable to its constituencies,—and debating and voting with closed doors,—held the political destinies of England at its mercy. The constitution had not yet provided worthier means of influence and restraint; and William III., though personally averse to the base practices of Charles II., was forced to permit their use. His reign, otherwise conducive to freedom and national greatness, was disgraceful to the character of the statesmen, and to the public virtue of that age.[1]

The practice of direct bribery notoriously continued in the three succeeding reigns; and if not proved by the records of Parliament, was attested by contemporary writers, and by the complaints openly made of its existence. Under the administration of Sir Robert Walpole, it was reduced to an organised system, by which a majority of the House of Commons was long retained in subjection to the minister.[2] It is true that, after all, his enemies failed in proving their charges against him: but the entire strength of the court, the new ministry, and

[illegible]

ii. 134.

[illegible] to screen him. The [illegible]; and the Lord [illegible] which would have [illegible] refused.[1] Nor must it [illegible] notorious corruption [illegible] the most difficult of [illegible]

[illegible] was continued by his successors. [illegible] George II.; and is believed [illegible] under the administration of Mr. Henry Pelham.

[illegible] reign of George III., it were [illegible] would be found of this [illegible]: but unhappily the [illegible] some of its worst [illegible] Lord Bute, being resolved to maintain [illegible] Sir Robert Walpole, [illegible] of a peerage, the aid of that [illegible] Mr. Henry Fox, in [illegible] with success.[2] The office entrusted [illegible] familiarly known as 'the management [illegible] House of Commons.'

[illegible], 1762, Mr. Grenville had impressed upon Lord Bute the difficulties of carrying on the [illegible] of the House of Commons, 'without being [illegible] to talk to the members of that house upon their several claims and pretensions;'[3] and [illegible] difficulties were effectually overcome. Horace Walpole relates a startling tale of the purchase of

[1] [illegible] of Inquiry, 1742; Parl. Hist., xii. 626, [illegible] Walpole, i. 711.
[2] [illegible] 127.
[3] Grenville Papers, i. 483.

votes by Mr. Fox, in December, 1762, in support of Lord Bute's preliminaries of peace. He says, 'A shop was publicly opened at the Pay Office, whither the members flocked, and received the wages of their venality in bank-bills, even to so low a sum as 200*l.* for their votes on the treaty. 25,000*l.*, as Martin, Secretary of the Treasury, afterwards owned, were issued in one morning; and in a single fortnight, a vast majority was purchased to approve the peace!'[1] Lord Stanhope, who is inclined wholly to reject this circumstantial story, admits that Mr. Fox was the least scrupulous of Walpole's pupils, and that the majority was otherwise unaccountable.[2] The account is probably exaggerated: but the character of Mr. Fox and his parliamentary associates is not repugnant to its probability; nor does it stand alone. A suspicious circumstance, in confirmation of Horace Walpole, has also been brought to light. Among Mr. Grenville's papers has been preserved a statement of the secret-service money from 1761 to 1769; whence it appears that in the year ending 25th October, 1762, 10,000*l.* had been disbursed to Mr. Martin, Secretary to the Treasury; and in the following year, to which the story refers, no less than 41,000*l.*[3]

The general expenditure for secret service, during Lord Bute's period, also exhibits a remarkable excess, as compared with other years. In the year ending 25th October, 1761, the secret-service money

[1] Walp. Mem. Geo. III., i. 199; and see Hist. of a late Minority, p. 84

[2] Lord Mahon's Hist., v. 15.

[3] Grenville Papers, iii. 144.

had amounted to 58,000*l.* Lord Bute came into office on the 29th May, 1762: and in this year, ending 25th October, it rose at once to 82,168*l.* In the next year,—Lord Bute having retired in April,—it fell to 61 000*l.* In 1764, it was reduced to 36,837*l.*: and in 1765, to 29,374*l.*[1]

Under the Grenville ministry.

The Grenville ministry distributed bribes or gratuities with less profusion than Lord Bute, yet with so little restraint, that a *donation* to a member of Parliament appears to have been regarded as a customary compliment. It might be offered without offence: if declined an apology was felt to be due to the minister. In the Grenville Papers we find a characteristic letter from Lord Say and Sele, which exemplifies the relations of the minister with his parliamentary supporters.

'London, Nov. 26th, 1763.

'Honoured Sir,—I am very much obliged to you for that *freedom of converse you this morning indulged me* in, which I prize more than the lucrative advantage I then received. To show the sincerity of my words (pardon, Sir, the perhaps over niceness of my disposition), I return inclosed the bill for 300*l.* you favoured me with, as good manners would not permit my refusal of it, when tendered by you.

'P.S.—As a free horse wants no spur, so I stand in need of no inducement or *douceur*, to lend my small assistance to the king, or his friends in the present administration.'[2]

[1] There is an obscurity in these accounts; but it seems as if the secret-service money had been derived from different sources, the amount paid from one source, between 1761 and 1769, being 156,000*l.*, and from the other 394,507*l.* The details of the latter sum only are given.

[2] Grenville Papers, iii. 145.

Mr. Grenville, however, complained,—and apparently with justice,—'that the secret-service money was by a great deal less than under any other minister.'[1]

Throughout the administration of Lord North, the purchase of votes in Parliament, by direct pecuniary bribes, was still a common practice. The king's complicity,—always suspected,—is now beyond a doubt. Writing to Lord North on the 1st March, 1781, his Majesty said:—'Mr. Robinson sent me the list of the speakers last night, and of the very good majority. I have this morning sent him 6,000*l.* to be placed to the same purpose as the sum transmitted on the 21st August.'[2] No other conclusion can be drawn from this letter, than that the king was in the habit of transmitting money, to secure majorities for the minister, who was then fighting his battles in the House of Commons. Again, on the retirement of Lord North in 1782, the king writing on the 18th April, said:—'I shall make out also the list paid by Mr. Robinson to Peers, and shall give it to the first Lord of the Treasury; but I cannot answer whether, under the idea of influence, there will not be a refusal to continue them. Those to members of the House of

Under Lord North.

[illegible]

[illegible] Brougham's Works, iii. [illegible] Treasury, had the management [illegible] was the depository of the *Livre rouge*, supposed to contain the names of members retained by ministers.—[illegible] [illegible]

Commons cannot be given: they may apply, if they please, to Lord Rockingham: but by what he has said to me, I have not the smallest doubt he will refuse to bring their applications, as well as those of any new solicitors in that House.'[1]

So far there was a hope of improvement; and it seems that the system of direct bribery did not long survive the ministry of Lord North.[2] It may not have wholly died out: and has probably been since resorted to, on rare and exceptional occasions. But the powerful and popular administration of Mr. Pitt did not need such support. The crown had triumphed over parties,—its influence was supreme,—and Mr. Pitt himself, however profuse in the distribution of honours to his adherents, was of too lofty a character, to encourage the baseness of his meaner followers.

Subsequent decline of the system.

Another instrument of corruption was found, at the beginning of this reign, in the raising of money for the public service, by loans and lotteries. This form of bribery, though less direct, was more capable of proof. A bribe could

Shares in loans and lotteries.

[1] Corr. of Geo. III. with Lord North, ii. 422.

[2] Mr. Hallam says that the practice of direct bribery of Members of Parliament 'is generally supposed to have ceased about the termination of the American War.'—*Const. Hist.*, ii. 428.

Mr. William Smith, one of the oldest members of the House of Commons, related the following anecdote of his own time:—A gentleman, being at Sir Benjamin Hammett's Bank, heard a member, one of Lord North's friends, ask to have a 500*l.* bill 'broken,' which was done; and upon the applicant leaving the bank, Sir B. Hammett saw a cover lying on the floor, which he picked up and put into his friend's hand, without comment. It was addressed to the member, 'with Lord North's compliments.' Mr. Amyatt, Member for Southampton, was reputed to be the last member in receipt of a pension for Parliamentary support.—*Private Information.*

be given in secret: the value of scrip was notorious. In March, 1763, Lord Bute contracted a loan of three millions and a half, for the public service; and having distributed shares among his friends,—the scrip immediately rose to a premium of 11 per cent. in the market! So enormous a miscalculation of the terms upon which a loan could be negotiated, is scarcely to be reconciled with honesty of purpose; and according to the practice of that time, the minister was entirely free from control in the distribution of the shares. Here the country sustained a loss of 385,000*l.*; and the minister was openly charged with having enriched his political adherents at the public expense. The bank-bills of Mr. Fox had been found so persuasive, that corruption was applied on a still larger scale, in order to secure the power of the minister. The participation of many members, in the profits of this iniquitous loan could not be concealed; and little pains were taken to deny it.[1]

Lord Bute's loan, 1763.

The success of this expedient was not likely to be soon forgotten. Stock-jobbing became the fashion; and many members of Parliament were notoriously concerned in it. Horace Walpole, the chief chronicler of these scandals, states that, in 1767, sixty members were implicated in such transactions, and even the chancellor of the Exchequer himself.[2] Another contemporary, Sir George Colebrooke, gives an account quite as circumstantial, of

Duke of Grafton's loan, 1767.

[1] [illegible]

[2] Walpole's Mem., Geo. III., ii. [illegible]

the monstrous corruption of the time. He says, 'the Duke of Grafton gave a dinner to several of the principal men in the city, to settle the loan. Mr. Townshend came in in his nightgown, and after dinner, when the terms were settled, and every one present wished to introduce some friend on the list of subscribers, he pretended to cast up the sums already subscribed, said the loan was full, huddled up his papers, got into a chair, and returned home, reserving to himself, by this manœuvre, a large share in the loan.'[1]

Lotteries.

A few years later, similar practices were exposed in another form. Lotteries were then a favourite source of revenue: and it appeared from the list of subscribers in 1769 and 1770, that shares had been allotted to several members of Parliament. On the 23rd of April, 1771, Mr. Seymour moved for the list of persons who had subscribed to the lotteries of that year, alleging that it appeared from the list of 1769, that twenty thousand tickets had been disposed of to members of Parliament, which sold at a premium of nearly 2*l.* each. His motion was refused.[2] On the 25th April, Mr. Cornwall moved to prohibit any member from receiving more han twenty tickets. He stated that he was 'certinly informed,' that fifty members of Parliament d each subscribed for five hundred tickets, which ould realise a profit of 1,000*l.*, and secure the nister fifty votes. His motion also was rejected.[3]

Cited in Walpole's Mem., iii. 100, *n.*
Parl. Hist. xvii. 174.
Walp. Mem., iv. 320; Chatham Corr., iv. 148, *n.*; Parl. Hist. 185.

Lord North's loan, 1781

Again, in 1781, the very circumstances of Lord Bute's flagitious loan were repeated under Lord North. A loan of 12,000,000*l.* was then contracted, to defray the cost of the disastrous American war, of which lottery tickets formed a part. Its terms were so favourable to the subscribers, that suddenly the scrip, or omnium, rose nearly 11 per cent.[1] The minister was assailed with injurious reproaches, and his conduct was repeatedly denounced in Parliament as wilfully corrupt. These charges were not made by obscure men: but by Lord Rockingham, Mr. Fox, Mr. Burke, Mr. Byng, Sir G. Savile, and other eminent members of opposition. It was computed by Mr. Fox, that a profit of 900,000*l.* would be derived from the loan; and by others, that half the loan was subscribed for by members of the House of Commons. Lord Rockingham said, 'the loan was made merely for the purpose of corrupting the Parliament, to support a wicked, impolitic, and ruinous war.' Mr. Fox declared, again and again, that a large sum had been placed in the 'hands of the minister to be granted as *douceurs* to members of that House, . . . as a means of procuring and continuing a majority in the House of Commons, upon every occasion, and to give strength and support to a bad administration.'[2]

[1] Sir P. J. Clerke, on the 8th March, said it had risen from 9 to 11 in the Alley that day. Lord North said it had only risen to 9, and had fallen again to 7½. Lord Rockingham estimated it at 10 per cent.

[2] [illegible]

The worst feature of this form of corruption was its excessive and extravagant cost to the country. If members of Parliament were to be bribed at all,—bank-notes, judiciously distributed, were far cheaper than improvident loans. Lord Bute had purchased a majority, on the preliminaries of peace, with thirty or forty thousand pounds. Lord North's experiment laid a burthen upon the people of nearly a million. It was bad enough that the representatives of the people should be corruptible: and to pay so high a price for their corruption was a cruel aggravation of the wrong.

Lord North's loan, 1782.

In 1782, Lord North, in raising another loan, did not venture to repeat these scandals; but disappointed his friends by a new system of close subscriptions. This arrangement did not escape animadversions; but it was the germ of the modern form of contracts by sealed tenders.[1] Mr. Pitt had himself condemned the former system of jobbing loans and lotteries; and when he commenced his own financial operations as First Minister of the crown, in 1784, he took effectual means to discontinue it. That the evil had not been exaggerated, may be inferred from the views of that sagacious statesman, as expounded by his biographer and friend Dr. Tomline. Mr. Pitt "having while in opposition, objected to the practice of his predecessors in distributing beneficial shares of loans and lottery tickets, under the

Practice condemned and abandoned by Mr. Pitt.

were seven members for 70,000l.; others for 50,000l.; and one for 100,000l.; but the greater number being holders of scrip only, did not appear in the list.—Wraxall Mem., ii. 387.

1 Parl. Hist. xxii. 1049; Wraxall's Mem., ii. 255.

market price, among their private friends, and the parliamentary supporters of the government, adopted a new plan of contracting for loans and lotteries by means of sealed proposals from different persons, which were opened in the presence of each other; and while this competition ensured to the public the best terms which could be obtained under existing circumstances, it cut off a very improper source of showing favour to individuals, and increasing ministerial influence.'[1] The lowest tenders were accepted, and Mr. Pitt was able to assure the House of Commons that not a shilling had been reserved for distribution to his friends.[2]

One other form of parliamentary corruption yet remains to be noticed. Lucrative contracts for the public service, necessarily increased by the American war, were found a convenient mode of enriching political supporters. A contract to supply rum or beef for the navy, was as great a prize for a member, as a share in a loan or lottery. This species of reward was particularly acceptable to the commercial members of the House. Nor were its attractions confined to the members who enjoyed the contracts. Constituents being allowed to participate in their profits, were zealous in supporting government candidates. Here was another source of influence, for which again the people paid too dearly. Heavy as their burthens were becoming, they were increased by the costly and improvident contracts, which this system of parliamentary jobbing en-

Contractors.

[1] Life of Pitt, iii 533.
[2] Lord Stanhope's Life of Pitt, i. 219.

couraged. The cost of bribery in this form, was even greater and more indefinite than that of loans and lotteries. In the latter case, there were some limits to the premium on scrip, which was public and patent to all the world: but who could estimate the profits of a contract loosely and ignorantly—not to say corruptly—entered into, and executed without adequate securities for its proper fulfilment? These evils were notorious; and efforts were not wanting to correct them.

In 1779, Sir Philip Jennings Clerke obtained leave to bring in a bill to disqualify contractors from sitting in Parliament, except where they obtained contracts at a public bidding: but on the 11th of March, the commitment of the bill was negatived.[1] Again, in February 1780, Sir Philip renewed his motion, and succeeded in passing his bill through the Commons, without opposition: but it was rejected by the Lords on the second reading.[2] In 1781 it was brought forward a third time, but was then lost in the House of Commons.[3]

Meanwhile, Lord North's administration was falling: the opposition were pledged to diminish the influence of the crown, and to further the cause of economic reform; and in 1782, Sir Philip Clerke was able to bring in his bill, and carry the second reading.[4] In committee, Mr. Fox struck out the exception in favour of contracts obtained at a public bidding, and extended the measure to existing as

1 Parl. Hist., xx. 123–129.
2 *Ibid.*, xxi. 414.
3 *Ibid.*, 1390.
4 *Ibid.*, xxii. 1214, 1335, 1356. Debates, 19th March; 15th and 17th April; 1st and 27th May, 1782.

well as future contracts. Immediately afterwards, the Rockingham ministry coming into office, adopted a measure so consonant with their own policy; and, under such auspices, it was at length passed.[1] It was another legislative condemnation of corrupt influences in Parliament.

Abuses condemned by Parliament.

In weighing the evidence of parliamentary corruption, which is accessible to us, allowance must be made for the hostility of many of the witnesses. Charges were made against the government of the day, by its bitterest opponents; and may have been exaggerated by the hard colouring of party. But they were made by men of high character and political eminence; and so generally was their truth acknowledged, that every abuse complained of was ultimately condemned by Parliament. Were all the measures for restraining corruption and undue influence groundless? Were the evils sought to be corrected imaginary? The historian can desire no better evidence of contemporary evils than the judgment of successive Parliaments,—pronounced again and again, and ratified by posterity.[2] The wisdom of the legislature averted

[1] The bill contained an exception in favour of persons subscribing to a public loan. It was said, however, that the loan was a more dangerous engine of influence than contracts, and ultimately the exception was [illegible]
bill should [illegible]
never done [illegible]
obscure and [illegible]
was frequentl[illegible]
Rothschild's disability in 1855.

[2] In painting the public vices of his age, Cowper did not omit to stigmatise, as it deserved, its political corruption.

[illegible]

Two other causes, which exercised a wholesome restraint upon Parliament and the governing class, are to be found in the divisions of party,—finely called by Sir Bulwer Lytton 'the sinews of freedom,'—and the growing influence of the press. However prone the ruling party may sometimes have been to repress liberty, the party in opposition were forced to rely upon popular principles; and pledged to maintain them, at least for a time, when they succeeded to power. Party again supplied, in some degree, the place of intelligent public opinion. As yet the great body of the people had neither knowledge nor influence: but those who enjoyed political power, were encouraged by their rivalries and ambition, not less than by their patriotism, to embrace those principles of good government, which steadily made their way in our laws and institutions. Had all parties combined against popular rights, nothing short of another revolution could have overthrown them. But as they were divided and opposed, the people obtained extended liberties, before they were in a position to wrest them from their rulers, by means of a free representation.

Meanwhile the press was gradually creating a more elevated public opinion, to which all parties were obliged to defer. It was long, however, before that great political agent performed its office worthily. Before the press can be instructive, there must be enlightenment, and public spirit among the people: it takes its colour from society, and reflects its prevailing vices. Hence, while flagrant abuses in the government were tolerated by a corrupt society, the

press was venal,—teeming with scurrilous libels and factious falsehoods, in the interests of rival parties, —and disfigured by all the faults of a depraved political morality. Let us be thankful that principles of liberty and public virtue were so strong, as constantly to advance in society, in the press, and in the government of the country.

Arguments for Parliamentary Reform.

The glaring defects and vices of the representative system, which have now been exposed,—the restricted and unequal franchise, the bribery of a limited electoral body, and the corruption of the representatives themselves,—formed the strongest arguments for parliamentary reform. Some of them had been partially corrected; and some had been ineffectually exposed and denounced; but the chief evil of all demanded a bolder and more hazardous remedy. The theory of an equal representation,—at no time very perfect,—had, in the course of ages, been entirely subverted. Decayed boroughs, without inhabitants,—the absolute property of noblemen,—and populous towns without electors, returned members to the House of Commons: but great manufacturing cities, distinguished by their industry, wealth, and intelligence, were without representatives.

Lord Chatham's scheme of reform, 1770.

Schemes for partially rectifying these inequalities were proposed at various times, by statesmen of very different opinions. Lord Chatham was the first to advocate reform. *Speaking, in 1766, of the borough representation,* he called it 'the rotten part of our constitution;' and said 'it cannot continue a century. If it does

Gordon's riots, the Duke of Richmond presented a bill for establishing annual parliaments, universal suffrage, and equal electoral districts. A scheme so wild and inopportune was rejected without a division.[1]

Other schemes of reform, 1780

Nor was the duke's extravagant proposal an isolated suggestion of his own. Extreme changes were at this time popular,—embracing annual parliaments, the extinction of rotten boroughs, and universal suffrage. The graver statesmen, who were favourable to improved representation, discountenanced all such proposals, as likely to endanger the more practicable schemes of economic reform by which they were then endeavouring,—with every prospect of success,—to purify Parliament, and reduce the influence of the crown. The petitioners by whom they were supported, prayed also for a more equal representation of the people: but it was deemed prudent to postpone, for a time, the agitation of that question.[2]

The disgraceful riots of Lord George Gordon rendered this time unfavourable for the discussion of any political changes. The Whig party were charged with instigating and abetting these riots, just as, at a later period, they became obnoxious to imputations of Jacobinism. The occasion of the king's speech, at the end of the session of 1780, was not lost by the tottering government of Lord North. His Majesty warned the people against 'the hazard of innovation;' and artfully connected this warning

[1] Parl. Hist., xxi 686.
[2] Ann. Reg., xxiv. 140, 191; Rockingham Mem., ii. 395, 411.

members in that House; and might not a foreign state in enmity with this country, by means of such boroughs, have a party there? He concluded by moving for a committee of inquiry. He seems to have been induced to adopt this course, in consequence of the difficulties he had experienced in obtaining the agreement of the friends of reform to any specific proposal.[1] This motion was superseded by reading the order of the day, by a majority of twenty only.[2]

Mr Pitt's resolutions, May 7th, 1783

Again, in 1783, while in opposition to the coalition ministry, Mr. Pitt renewed his exertions in the same cause. His position had, in the meantime, been strengthened by numerous petitions, with 20,000 signatures.[3] He no longer proposed a committee of inquiry, but came forward with three distinct resolutions:—1st, That effectual measures ought to be taken for preventing bribery and expense at elections; 2nd, That when the majority of voters for any borough should be convicted of corruption, before an election committee, the borough should be disfranchised, and the unbribed minority entitled to vote for the county: [...]d, That an addition should be made to the knights [of] the shire, and members for the metropolis. In [su]pport of his resolutions, he attributed the disasters [of] the American war to the corrupt state of the

[1] Ann. Reg., xxv. 181.
[2] 161 to 141, Parl. Hist., xxii. 1416, Fox's Mem., i 321-2, Lord [Stanh]ope's Life of Pitt, i. 72-75.
[3] All the petitions which had been presented for the last month, [had be]en brought into the House by the Clerk, and laid on the floor [of th]e table.

introduced one person into his cabinet, who would support his views in regard to parliamentary reform.[1]

Mr Pitt's Reform Bill, 1785

The sincerity of Mr. Pitt's assurances was soon to be tested. In the new Parliament he found himself supported by a powerful majority; and he enjoyed at once the confidence of the king, and the favour of the people. Upon one question only, was he powerless. To his measure of parliamentary reform, the king was adverse,[2]—his cabinet were indifferent or unfriendly; and his followers in the House of Commons, could not be brought to vote in its favour. The Tories were generally opposed to it; and even a large portion of the Whigs, including the Duke of Portland and Lord Fitzwilliam, failed to lend it their support.[3] Public feeling had not yet been awakened to the necessity of reform; and the legislature was so constituted, that any effective scheme was hopeless.

In the first session of the new Parliament he was not prepared with any measure of his own: but he spoke and voted in favour of a motion of Mr. Alderman Sawbridge; and promised that, in the next session, he should be ready to bring the question forward himself.[4] He redeemed this pledge, and on the 18th April, 1785, moved for leave to introduce a Bill 'to amend the representation of the people of England, in Parliament.' Having proved, by numerous references to history, that the representation had frequently been changed, according to the varying circumstances of the country: that many decayed

[1] Parl. Hist., xxiv. 347.
[2] See *supra*, p. 91
[3] Lord J. Russell's Life of Fox, ii 176.
[4] Parl. Hist., xxiv. 975.

the market, he proposed to buy, on behalf of the state; and thus to secure purity, through the instruments of corruption. Such a sacrifice of principle to expediency may have been necessary; but it did not save his scheme of reform from utter failure. His motion for leave to bring in the bill, was negatived by a majority of seventy-four.[1]

As this was the last occasion on which Mr. Pitt advocated the cause of parliamentary reform, his sincerity, even at that time, has been called in question. He could scarcely have hoped to carry this measure: but its failure was due to causes beyond his control. The king and Parliament were adverse, and popular support was wanting. To have staked his power as a minister, upon the issue of a measure fifty years in advance of the public opinion of his day,—and which he had no power to force upon Parliament,—would have been the act of an enthusiast, rather than a statesman. The blame of his subsequent inaction in the cause was shared by the Whigs, who, for several years, consented to its entire oblivion.

Mr Pitt's sincerity

In the five ensuing years of Mr. Pitt's prosperous administration, the word 'reform' was scarcely whispered in Parliament. At length, in 1790, Mr. Flood moved for a bill to amend the representation of the people. His plan was to add one hundred members to the House of Commons, to be elected by the resident householders of every county. Mr. Pitt, on this occasion, pro-

Mr Flood's motion, 1790.

[1] Ayrs, 174; Noes, 248. Parl Hist. xxv 432-475, Tomline's Life of Pitt, ii 41, Lord Stanhope's Life of Pitt, i 256.

fessed himself to be as firm and zealous a friend as ever to parliamentary reform; but could not assent to Mr. Flood's motion, which was superseded by the adjournment of the House.[1]

'Friends of the People.'

Meanwhile, the cause of parliamentary reform had been advocated by several political associations, and more particularly by the 'Friends of the People.' This society embraced many gentlemen eminent in politics and literature; and twenty-eight members of Parliament, of whom Mr. Grey and Mr. Erskine took the lead. It was agreed amongst them, that the subject should again be pressed upon the attention of Parliament. And, accordingly, on the 30th of April, 1792, Mr. Grey gave notice of a motion, in the ensuing session, for an inquiry into the representative system.[2] A few years earlier, the cause of reform,—honestly supported by moderate men of all parties,—might have prevailed: but the perils of the time had now become too great to admit of its fair discussion. That ghastly revolution had burst forth in France, which for two generations was destined to repress the liberties of England. Mr. Pitt avowed that he still retained his opinion of the propriety of parliamentary reform: but was persuaded that it could not then be safely tried. He saw no prospect of success, and great danger of anarchy and confusion in the attempt. 'This is not a time,' said he, 'to make hazardous experi-

Mr. Grey's notice, 30th April, 1792.

[1] Parl. Hist., xxviii. 452.

[2] Mr. Speaker Addington permitted a debate to arise on this occasion, which, according to the stricter practice of later times, would have been wholly inadmissible.—*Lord Sidmouth's Life*, i. 88.

ments.' He had taken his stand against revolutionary principles, and every question with which they could be associated. Mr. Burke, the honoured reformer of an earlier period, and in another cause,[1] and many respected members of his party, henceforth supported the minister, and ranged themselves with the opponents of reform. A period was commencing, not only hostile to all change, but repressive of freedom of opinion; and the power of Mr. Pitt, as the champion of order against democracy, was absolute.[2]

Mr. Grey's motion, 1793.

On the 6th of May, 1793, Mr. Grey brought forward the motion, of which he had given notice in the previous session. First he presented a long and elaborate petition from the society of the Friends of the People, exposing the abuses of the electoral system, and alleging various grounds for parliamentary reform. This petition having been read, Mr. Grey proceeded to move that it be referred to the consideration of a committee. Like Mr. Pitt, on a former occasion,—and probably for the same reasons,—he made no specific proposal; but contented himself with arguments against the existing system. A more unsuitable time for such a motion could not have been found. The horrors of the French revolution had lately reached their climax in the execution of the king: many British subjects had avowed their sympathy with revolutionary principles: the country was at war with the French republic: the Whig party had been broken up; and the great body of the people were alarmed

[1] Mr. Burke had never supported parliamentary reform.
[2] Parl. Hist., xxix 1300, Tomline's Life of Pitt, iii 322.

for the safety of their institutions. At such a time, the most moderate proposals were discountenanced; and after two nights' debate, Mr. Grey's motion found only forty-one supporters.[1]

Mr. Grey's motion, 1797.

After such discouragement, and under circumstances so adverse, Mr. Grey did not attempt to renew the discussion of parliamentary reform, until 1797. He now had a definite plan; and on the 26th May, he moved for leave to bring in a bill for carrying it into effect. He proposed to increase the county members from ninety-two to one hundred and thirteen, by giving two members to each of the three ridings of the county of York, instead of two for the whole county, and by similar additions to other large counties; and to admit copyholders and leaseholders for terms of years, as well as freeholders, to the county franchise. As regards the boroughs, he proposed to substitute for the numerous rights of election, one uniform household franchise. And in order to diminish the expense of elections, he suggested that the poll should be taken, throughout the whole kingdom, at one time. His scheme comprised, in fact, an outline of the great measure, which this eminent statesman was ultimately destined to mature, as the consummation of his labours during half a century. His motion was seconded by Mr. Erskine, in a speech which went far to contradict the assertion,—so often made,—that in the House of Commons this great forensic orator was wholly unequal to his reputation.

[1] Parl. Hist., xxx. 787–925; Ayes, 41; Noes, 232; Lord J. Russell's Life of Fox, ii. 281–283, 349.

At once eloquent, impassioned, and argumentative, it displayed those rare qualities, which have never been equalled at the British bar, and not often in the senate. The motion was also supported, in an admirable speech, by Mr. Fox. But vain were moderate and well-considered plans,—vain were eloquence and argument. The feelings, fears, and prejudices of the people were adverse to the cause: reform being now confounded with revolution, and reformers with Jacobins. Whatever was proposed, —more was said to be intended; and Paine and the 'Rights of Man' were perversely held up, as the true exponents of the reformer's creed. The motion was rejected by a large majority.[1]

Further discouragement of reform.

Again the question slept for many years. The early part of the present century was a period scarcely more favourable for the discussion of parliamentary reform, than the first years of the French revolution. The prodigious efforts of the country in carrying on the war,—victories and disasters,—loans, taxes, and subsidies, —engrossed the attention of Parliament, and the thoughts of the people. The restoration of peace was succeeded by other circumstances, almost equally unpropitious. The extreme pressure of the war upon the industrial resources of the country, had occasioned suffering and discontent amongst the working classes. The government were busy in repressing sedition; and the governing classes, trained under a succession of Tory administrations, had learned to scout every popular principle. Under

[1] Parl. Hist., xxxiii. 644. Ayes, 91; Noes, 256.

should, early in the next session, take into its consideration the state of the representation. In the debate, Lord John Russell, who had recently been admitted to Parliament, expressed his opinion in favour of disfranchising such boroughs as were notoriously corrupt. The motion was superseded by reading the orders of the day.[1]

Lord J. Russell, 1820.

At the commencement of the following session, Lord John Russell,—whose name has ever since been honourably associated with the cause of reform,—proposed his first motion on the subject. In the preceding session, he had brought under the notice of the House the scandalous proceedings at Grampound. He now took broader ground, and embraced the general evils of the electoral system.[2] The time was not favourable to moderate counsels. On one side were the intemperate advocates of universal suffrage: on the other the stubborn opponents of all change in the representation.[3] But such was the moderation of Lord John's scheme of reform, that it might have claimed the support of the wiser men of all parties. He showed, in a most promising speech, that in former times decayed boroughs had been discharged from sending members, and populous places summoned by writ to return them; he described the wonderful increase of the great manu-

[1] Hans. Deb., 1st Ser., xl. 1440. [2] *Ibid.*, xli. 302, 1091.

[3] Notwithstanding the small encouragement given at this time to the cause of reform, it was making much progress in public opinion. Sydney Smith, writing in 1819, said, 'I think all wise men should begin to turn their minds reformwards. We shall do it better than Mr. Hunt or Mr. Cobbett. Done it *must*, and *will* be.'—*Mem.*, ii. 191.

facturing towns, which were unrepresented; and the corruption of the smaller boroughs, which sold their franchise. He concluded by moving resolutions:— 1. That boroughs in which notorious bribery and corruption should be proved to prevail, should cease to return members—the electors not proved guilty being allowed to vote for the county: 2. That the right thus taken from corrupt boroughs, should be given to great towns with a population of not less than 15,000, or to some of the largest counties: 3. That further means should be taken to detect corruption; and lastly, that the borough of Grampound should cease to send members.

Grampound Disfranchisement Bill.

As the motion was met by the government in a conciliatory manner; and as Lord Castlereagh was ready to concur in the disfranchisement of Grampound; Lord John Russell consented to withdraw his resolutions, and gave notice of a bill for disfranchising Grampound.[1] The progress of this bill was interrupted by the death of the king; but it was renewed in the following session, and reached the House of Lords, where, after evidence being taken at the bar, it dropped by reason of the prorogation. Again it was passed by the Commons, in 1821. That House had given the two vacant seats to the great town of Leeds; but the Lords still avoided the recognition of such a principle, by assigning two additional members to the county of York; in which form the bill was at length agreed to.[2]

[1] Hans Deb., 1st Ser., xli. 1091-1122.
[2] 1 & 2 Geo. IV. c. 47.

In 1821, two motions were made relating to parliamentary reform, the one by Mr. Lambton, and the other by Lord John Russell. On the 17th April, the former explained his scheme. In lieu of the borough representation, he proposed to divide counties into districts containing twenty-five thousand inhabitants, each returning a member,—to extend the franchise for such districts to all householders paying taxes,—to facilitate polling by means of numerous polling-booths, and by enabling overseers to receive votes,—and to charge the necessary expenses of every election upon the poor-rates. To the county constituencies he proposed to add copyholders, and leaseholders for terms of years. After a debate of two days, his motion was negatived by a majority of twelve.[1]

Mr. Lambton's proposal, 1821.

Lord J. Russell's plan, 1821.

On the 9th of May, Lord John Russell moved resolutions with a view to the discovery of bribery, the disfranchisement of corrupt boroughs, and the transfer of the right of returning members, to places which had increased in wealth and population. His resolutions were superseded by the previous question, which was carried by a majority of thirty-one.[2]

And in 1822.

In 1822, Lord John Russell having, as he said, 'served an apprenticeship in the cause of reform,' again pressed the matter upon the notice of the House. The cry for universal suffrage had now subsided,—tranquillity prevailed throughout

[1] Ayes, 43; Noes, 55. Hans. Deb., 2nd Ser., v. 359–453. Mr. Lambton had prepared a bill, which is printed in the Appendix to that volume of Debates.

[2] Hans. Deb., 2nd Ser., v. 603.

the country,—and no circumstance could be urged as unfavourable to its fair consideration. After showing the great increase of the wealth and intelligence of the country, he proposed the addition of sixty members to the counties, and forty to the great towns; and,—not to increase the total number of the House of Commons,—he suggested that one hundred of the smallest boroughs should each lose one of their two members. His motion, reduced to a modest resolution, 'that the present state of representation required serious consideration,' was rejected by a majority of one hundred and five.[1]

In 1823, Lord John renewed his motion in the same terms. He was now supported by more numerous petitions,—and amongst the number by one from seventeen thousand freeholders of the county of York: but after a short debate, was defeated by a majority of one hundred and eleven.[2]

Again in 1826, Lord John proposed the same resolution to the House; and pointed out forcibly, that the increasing wealth and intelligence of the people were daily aggravating the inequality of the representation. Nomination boroughs continued to return a large proportion of the members of the House of Commons, while places of enormous population and commercial prosperity were without representatives. After an interesting debate, his resolution was negatived by a majority of one hundred and twenty-four.[3]

Lord J. Russell's motion, 1826.

[1] [illegible]
[2] [illegible]
[3] [illegible]

Lord Blandford's views, 1829–30.

In 1829, a proposal for reform proceeded from an unexpected quarter, and was based upon principles entirely novel. The measure of Catholic emancipation had recently been carried: and many of its opponents, of the old Tory party,—disgusted with their own leaders, by whom it had been forwarded,—were suddenly converted to the cause of parliamentary reform. On the 2nd June, Lord Blandford, who represented their opinions, submitted a motion on the subject. He apprehended that the Roman Catholics would now enter the borough-market, and purchase seats for their representatives, in such numbers as to endanger our Protestant constitution. His resolutions condemning close and corrupt boroughs, found only forty supporters, and were rejected by a majority of seventy-four.[1] At the commencement of the next session, Lord Blandford repeated these views, in moving an amendment to the address, representing the necessity of improving the representation. Being seconded by Mr. O'Connell, his anomalous position as a reformer was manifest.[2] Soon afterwards he moved for leave to bring in a bill to restore the constitutional influence of the Commons in the Parliament of England, which contained an elaborate machinery of reform, including the restoration of wages to members.[3] His motion served no other purpose, than that of reviving discussions on the general question of reform.

But in the meantime, questions of no less general

[1] Hans. Deb., 2nd Ser., xxi. 1672. Ayes, 40; Noes, 114.
[2] *Ibid.*, xxii. 171.
[3] *Ibid.*, xxii. 678.

application had been discussed, which eventually produced the most important results. The disclosures which followed the general election of 1826, and the conduct of the government, gave a considerable impulse to the cause of reform. The corporations of Northampton and Leicester were alleged to have applied large sums from the corporate funds, for the support of ministerial candidates. In the Northampton case, Sir Robert Peel went so far as to maintain the right of a corporation to apply its funds to election purposes: but the House could not be brought to concur in such a principle; and a committee of inquiry was appointed.[1] In the Leicester case, all inquiry was successfully resisted.[2] A bill to restrain such corporate abuses was passed by the Commons in the next session, but Lord Eldon secured its rejection by the Lords, on the third reading.[3]

Northampton and Leicester cases, 1826–27.

Feb. 21st. March 1st.

Next came two cases of gross and notorious bribery,—Penryn and East Retford. They were not worse than those of Shoreham and Grampound, and might have been as easily disposed of: but—treated without judgment by ministers—they precipitated a contest, which ended in the triumph of reform.

Penryn and East Retford cases, 1826–27.

Penryn had long been notorious for its corruption, which had been already twice exposed;[4] yet ministers resolved to deal tenderly with it. Instead of disfranchising so corrupt a borough, they followed

[1] Hans. Deb., 2nd Ser., [illegible]. [2] Ibid., [illegible].
[3] [illegible], Lords' Journ., [illegible], Lord Colchester's Diary, [illegible] [illegible] Hansard).
[4] In 18[illegible] and 18[illegible].

the precedent of Shoreham; and proposed to embrace the adjacent hundreds, in the privilege of returning members. But true to the principles he had already carried out in the case of Grampound, Lord John Russell succeeded in introducing an amendment in the bill, by which the borough was to be entirely disfranchised.[1]

In the case of East Retford, a bill was brought in to disfranchise that borough, and to enable the town of Birmingham to return two representatives. And it was intended by the reformers to transfer the franchise from Penryn to Manchester. The session closed without the accomplishment of either of these objects. The Penryn disfranchisement bill, having passed the Commons, had dropped in the Lords; and the East Retford bill had not yet passed the Commons.

Penryn and East Retford bills, 1828.

In the next session, two bills were introduced; one by Lord John Russell, for transferring the franchise from Penryn to Manchester; and another by Mr. Tennyson, for disfranchising East Retford, and giving representatives to Birmingham.[2] The government proposed a compromise. If both boroughs were disfranchised, they offered, in one case to give two members to a populous town, and in the other to the adjoining hundreds.[3] When the Penryn bill had already reached the House of Lords,—where its reception was extremely doubtful,—the East Retford Bill came on for discussion in the Commons. The government

[1] Hans. Deb., 2nd Ser., xvii. 682, 1055.
[2] *Ibid.*, xviii. 83.
[3] *Ibid.*, 1144, 1282.

now opposed the transference of the franchise to Birmingham. Mr. Huskisson, however, voted for it; and his proffered resignation being accepted by the Duke of Wellington,[1] led to the withdrawal of Lord Palmerston, Lord Dudley, Mr. Lamb, and Mr. Grant,—the most liberal members of the government,—the friends and colleagues of the late Mr. Canning. The cabinet was now entirely Tory; and less disposed than ever to make concessions to the reformers. The Penryn bill was soon afterwards thrown out by the Lords on the second reading; and the East Retford bill,—having been amended so as to retain the franchise in the hundreds,—was abandoned in the Commons.[2]

Proposal to enfranchise Leeds, Birmingham, and Manchester, 1830.

It was the opinion of many attentive observers of these times, that the concession of demands so reasonable would have arrested, or postponed for many years, the progress of reform. They were resisted; and further agitation was encouraged. In 1830, Lord John Russell,—no longer hoping to deal with Penryn and East Retford,—proposed at once to enfranchise Leeds, Birmingham, and Manchester; and to provide that the three next places proved guilty of corruption should be altogether disfranchised.[3] His motion was opposed, mainly on the ground that if the franchise were given to these towns, the claims of other large towns could not afterwards be

[1] Hans. Deb., 2nd Ser., xix. 915. See Yonge's Life of the Duke of Wellington, [illegible]
[2] [illegible]
[3] [illegible]

resisted. Where, then were such concessions to stop? It is remarkable that on this occasion, Mr. Huskisson said of Lord Sandon, who had moved an amendment, that he 'was young, and would yet live to see the day when the representative franchise must be granted to the great manufacturing districts. He thought such a time fast approaching; and that one day or other, His Majesty's ministers would come down to that House, to propose such a measure, as necessary for the salvation of the country.' Within a year, this prediction had been verified; though the unfortunate statesman did not live to see its fulfilment. The motion was negatived by a majority of forty-eight;[1] and thus another moderate proposal,—free from the objections which had been urged against disfranchisement, and not affecting any existing rights,—was sacrificed to a narrow and obstinate dread of innovation.

Other proposals in 1830.

In this same session, other proposals were made of a widely different character. Mr. O'Connell moved resolutions in favour of universal suffrage, triennial Parliaments, and vote by ballot. Lord John Russell moved to substitute other resolutions, providing for the enfranchisement of large towns, and giving additional members to populous counties; while any increase of the numbers of the House of Commons was avoided, by disfranchising some of the smaller boroughs, and restraining others from sending more than one member.[2] Sir Robert Peel, in the course of the debate,

[1] Ayes, 140; Noes, 188.

[2] Hans. Deb., 2nd Ser., xxiv. 1204.

said: 'They had to consider whether there was not, on the whole, a general representation of the people in that House; and whether the popular voice was not sufficiently heard. For himself he thought that it was.' This opinion was but the prelude to a more memorable declaration, by the Duke of Wellington. Both the motion and the amendment failed: but discussions so frequent served to awaken public sympathy in the cause, which great events were soon to arouse into enthusiasm.

Dissolution in 1830.

At the end of this session, Parliament was dissolved, in consequence of the death of George IV. The government was weak,—parties had been completely disorganised by the passing of the Catholic Relief Act,—much discontent prevailed in the country; and the question of parliamentary reform,—which had been so often discussed in the late session,—became a popular topic at the elections. Meanwhile a startling event abroad, added to the usual excitement of a general election. Scarcely had the writs been issued, when Charles X. of France,—having attempted a *coup d'état*,—suddenly lost his crown, and was an exile on his way to England.[1] As he had fallen in violating the liberty of the press, and subverting the representative constitution of France, this revolution gained the sympathy of the English people, and gave an impulse to liberal opinions. The excitement was further increased by the revolution in Belgium, which immediately followed. The new Parliament, elected

[1] Parliament was dissolved July 24th. The 'three days' commenced in France, on the 27th.

under such circumstances, met in October. Being without the restraint of a strong government, acknowledged leaders, and accustomed party connections, it was open to fresh political impressions; and the first night of the session determined their direction.

Duke of Wellington's declaration.

A few words from the Duke of Wellington raised a storm, which swept away his government, and destroyed his party. In the debate on the address, Earl Grey adverted to reform, and expressed a hope that it would not be deferred, like Catholic emancipation, until government would be 'compelled to yield to expediency, what they refused to concede upon principle.' This elicited from the Duke an ill-timed profession of faith in our representation. 'He was fully convinced that the country possessed, at the present moment, a legislature which answered all the good purposes of legislation,—and this to a greater degree than any legislature ever had answered, in any country whatever. He would go further, and say that the legislature and system of representation possessed the full and entire confidence of the country,—deservedly possessed that confidence,—and the discussions in the legislature had a very great influence over the opinions of the country. He would go still further, and say, that if at the present moment he had imposed upon him the duty of forming a legislature for any country,—and particularly for a country like this, in possession of great property of various descriptions,—he did not mean to assert that he could form such a legislature as they possessed now, for

the nature of man was incapable of reaching such excellence at once: but his great endeavour would be to form some description of legislature, which would produce the same results. . . . Under these circumstances he was not prepared to bring forward any measure of the description alluded to by the noble lord. He was not only not prepared to bring forward any measure of this nature; but he would at once declare that, as far as he was concerned, as long as he held any station in the government of the country, he should always feel it his duty to resist such measures, when proposed by others.'[1]

At another time such sentiments as these might have passed unheeded, like other general panegyrics upon the British constitution, with which the public taste had long been familiar. Yet, so general a defence of our representative system had never, perhaps, been hazarded by any statesman. Ministers had usually been cautious in advancing the theoretical merits of the system,—even when its abuses had been less frequently exposed, and public opinion less awakened. They had spoken of the dangers of innovation,—they had asserted that the system, if imperfect in theory, had yet 'worked well,'—they had said that the people were satisfied, and desired no change,—they had appealed to revolutions abroad, and disaffection at home, as reasons for not entertaining any proposal for change: but it was reserved for the Duke of Wellington,—at a time of excitement like the present,—to insult the understanding of the

[1] Hans. Deb 3rd Ser., i 52 The Duke, on a subsequent occasion, [...]ned this speech, but did not deny that he had [...]: the expres[sion] attributed to him.—*Hans Deb*, [...]

people, by declaring that the system was perfect in itself, and deservedly possessed their confidence.[1]

Fall of the government.

On the same night, Mr. Brougham gave notice of a motion on the subject of parliamentary reform. Within a fortnight, the duke's administration resigned, after an adverse division in the Commons, on the appointment of a committee to examine the accounts of the civil list.[2] Though this defeat was the immediate cause of their resignation, the expected motion of Mr. Brougham was not without its influence, in determining them to withdraw from further embarrassments.

Lord Grey's ministry, 1830.

Earl Grey was the new minister; and Mr. Brougham his lord chancellor. The first announcement of the premier was that the government would 'take into immediate consideration the state of the representation, with a view to the correction of those defects which had been occasioned in it by the operation of time; and with a view to the re-establishment of that confidence upon the part of the people, which he was afraid Parliament did not at present enjoy, to the full extent that is essential for the welfare and safety

[1] This declaration was condemned even by his own party. Lord Grenville wrote to the Duke of Buckingham, Nov. 21st, 1830: 'It has been most unfortunate for him, and not less so for the question. Absolute resistance, *in limine*, to any reform, is manifestly no longer possible.'—*Courts and Cabinets of Wm. IV. and Queen Vict.*, i. 146. The Duke himself, however, far from perceiving his error, wrote, March 24th, 1831: 'In my opinion, the fault of which those have been guilty who oppose the measure, is the admission that any reform is necessary.'—*Ibid.*, 260.

[2] Sydney Smith, writing Nov. 1830, says: 'Never was any administration so completely and so suddenly destroyed; and, I believe, entirely by the Duke's declaration, made, I suspect, in perfect ignorance of the state of public feeling and opinion.'—*Mem.*, ii. 313.

of the country, and the preservation of the government.'[1]

The government were now pledged to a measure of parliamentary reform; and during the Christmas recess, were occupied in preparing it. Meanwhile, the cause was eagerly supported by the people. Public meetings were held, political unions established,[2] and numerous petitions signed, in favour of reform. So great were the difficulties with which the government had to contend, that they needed all the encouragement that the people could give. They had to encounter the reluctance of the king,[3]—the interests of the proprietors of boroughs, which Mr. Pitt, unable to overcome, had sought to purchase,—the opposition of two-thirds of the House of Lords, and perhaps of a majority of the House of Commons,—and above all, the strong Tory spirit of the country. Tory principles had been strengthened by a rule of sixty ears. Not confined to the governing classes, but ervading society,—they were now confirmed by ars of impending danger. On the other hand, the o ardent reformers, while they alarmed the oppo-nts of reform, embarrassed the government, and red the cause, by their extravagance.

Agitation in favour of reform.

n the 3rd February, when Parliament reas-tled, Lord Grey announced that the rnment had succeeded in framing 'a re which would be effective, without exceeding ounds of a just and well-advised moderation,'

First Reform Bill, 1830-31.

[1] Hans. Deb., 3rd Ser., i. 606.
[2] upra, p. 120
[3] See Chap. X.

and which had received the unanimous consent of the whole government.[1]

On the 1st March this measure was brought forward in the House of Commons by Lord John Russell, to whom—though not in the cabinet—this honourable duty had been justly confided. In the House of Commons he had already made the question his own: and now he was the exponent of the policy of the government. The measure was briefly this,—to disfranchise sixty of the smallest boroughs: to withdraw one member from forty-seven other boroughs: to add eight members for the metropolis: thirty-four for large towns: and fifty-five for counties in England: and to give five additional members to Scotland, three to Ireland, and one to Wales. By this new distribution of the franchise, the House of Commons would be reduced in number from six hundred and fifty-eight, to five hundred and ninety-six, or by sixty-two members.

For the old rights of election in boroughs, a 10l. household franchise was substituted: and the corporations were deprived of their exclusive privileges. It was computed that half a million of persons would be enfranchised. Improved arrangements were also proposed for the registration of voters and the mode of polling at elections.

This bold measure alarmed the opponents of reform, and failed to satisfy the radical reformers: but on the whole it was well received by the reform party and by the country. One of the most striking

[1] Hans. Deb., 3rd Ser., ii. 1061.

periods in our history was approaching: but its events must be rapidly passed over. After a debate of seven nights, the bill was brought in without a division. Its opponents were collecting their forces, while the excitement of the people in favour of the measure, was continually increasing. On the 22nd March, the second reading of the bill was carried by a majority of one only, in a House of six hundred and eight,—by far the greatest number which, up to that time, had ever been assembled at a division.[1] On the 19th of April, on going into committee, ministers found themselves in a minority of eight, on a resolution proposed by General Gascoyne, that the number of members returned for England, ought not to be diminished.[2] On the 21st, ministers announced that it was not their intention to proceed with the bill. On that same night, they were again defeated on a question of adjournment, by a majority of twenty-two.[3]

This last vote was decisive. The very next day, Parliament was prorogued by the king in person,

[1] According to Lord Colchester, the largest division since the [illegible]

[illegible]

report from the Committee of Supply was to be received, which dropped by reason of the adjournment.

'with a view to its immediate dissolution.'[1] It was one of the most critical days in the history of our country. At a time of grave political agitation, the people were directly appealed to by the king's government, to support a measure by which their feelings and passions had been aroused,—and which was known to be obnoxious to both Houses of Parliament, and to the governing classes.

Dissolution in 1831.

The people were now to decide the question;—and they decided it. A triumphant body of reformers was returned, pledged to carry the reform bill; and on the 6th July, the second reading of the renewed measure was agreed to, by a majority of one hundred and thirty-six.[2] The most tedious and irritating discussions ensued in committee,—night after night; and the bill was not disposed of until the 21st September, when it was passed by a majority of one hundred and nine.[3]

Second Reform Bill, 1831.

That the peers were still adverse to the bill was certain: but whether, at such a crisis, they would venture to oppose the national will, was doubtful.[4] On the 7th October, after a debate of five nights,—one of the most memorable by which that House has ever been distinguished, and itself a great event in history,—the bill was rejected on the second reading, by a majority of forty-one.[5]

Rejected by the Lords.

[1] Hans. Deb., 3rd Ser., iii. 1810. See *supra*, p. 141.
[2] *Ibid.*, iv. 906. Ayes, 367; Noes, 231.
[3] *Ibid.*, vii. 464. The division was taken on the question 'That this bill do pass.'
[4] The position of the peers at this time has been already noticed. *supra*, p. 308, *et seq.*
[5] Hans. Deb., 3rd Ser., viii. 340. This debate I heard myself,

The battle was to be fought again. Ministers were too far pledged to the people to think of resigning; and on the motion of Lord Ebrington, they were immediately supported by a vote of confidence from the House of Commons.[1] On the 20th October, Parliament was prorogued; and after a short interval of excitement, turbulence and danger, met again on the 6th December. A third reform bill was immediately brought in,—changed in many respects,—and much improved by reason of the recent census, and other statistical investigations. Amongst other changes, the total number of members was no longer proposed to be reduced. This bill was read a second time on Sunday morning, the 18th of December, by a majority of one hundred and sixty-two.[2] On the 23rd March, it was passed by the House of Commons, and once more was before the House of Lords.

Third Reform Bill, 1831-32.

Here the peril of again rejecting it could not be concealed. The courage of some was shaken,—the patriotism of others aroused; and after a debate of four nights, the second reading was affirmed by the narrow majority of nine.[3] But danger still awaited it. The peers who would no longer venture to reject such a bill, were preparing to change its essential character by amendments. Meanwhile the agitation of the people

Read second time by the Lords, 13th April, 1832.

present in the House of Lords until the daylight division on h October. It was the first debate, in the Lords, which I had d the privilege of attending.
ans Deb, 3rd Ser, viii 380.
d, ix. 546.
d, xii 454; and for a spirited sketch of the scene, see Cock- Life of Jeffrey, i. 328

was becoming dangerous. Compulsion and physical force were spoken of; and political unions, and excited meetings assumed an attitude of intimidation. A crisis was approaching,—fatal, perhaps, to the peace of the country: violence, if not revolution, seemed impending.

Disfranchising clauses postponed.

The disfranchisement of boroughs formed the basis of the measure; and the first vote of the peers, in committee on the bill, postponed the consideration of the disfranchising clauses, by a majority of thirty-five.[1] Notwithstanding the assurances of opposition peers, that they would concede a large measure of reform,—it was now evident that amendments would be made, to which ministers were bound in honour to the people and the Commons, not to assent. The time had come, when either the Lords must be coerced, or ministers must resign.[2] This alternative was submitted to the king. He refused to create peers: the ministers resigned, and their resignation was accepted. Again the Commons came to the rescue of the bill and the reform ministry. On the motion of Lord Ebrington, an address was immediately voted by them, renewing their expressions of unaltered confidence in the late ministers, and imploring his Majesty 'to call to his councils such persons only, as will carry into effect, unimpaired in all its essential provisions, that bill for reforming the representation of the people, which has recently passed this House.'

The king, meanwhile, insisted upon one condition,

[1] Hans. Deb., 3rd Ser., xii. 677.

[2] See supra, p. 311.

—that any new ministry,—however constituted, should pledge themselves to an extensive measure of reform.[1] But, even if the Commons and the people had been willing to give up their own measure, and accept another at the hands of their opponents,—no such ministry could be formed. The public excitement was greater than ever; and the government and the people were in imminent danger of a bloody collision, when Earl Grey was recalled to the councils of his sovereign. The bill was now secure. The peers averted the threatened addition to their numbers, by abstaining from further opposition; and the bill,—the Great Charter of 1832,—at length received the Royal Assent.[2]

Reform Act passed.

It is now time to advert to the provisions of this famous statute; and to inquire how far it corrected the faults of a system, which had been complained of for more than half a century. The main evil had been the number of nomination or rotten boroughs enjoying the franchise. Fifty-six of these, having less than two thousand inhabitants, and returning one hundred and eleven members, were swept away. Thirty boroughs, having less than four thousand inhabitants, lost each a member. Weymouth and Melcombe Regis lost two. This disfranchisement extended to one hundred and forty-three members. The next evil had been, that large populous places were unrepresented; and this was now redressed. Twenty-two large towns, including me-

The Reform Act, England, 1832.

[1] [illegible]

[2] [illegible] 2 & 3 Will. IV. c. 45.

tropolitan districts, received the privilege of returning two members; and twenty more, of returning one. The large county populations were also regarded in the distribution of seats,—the number of county members being increased from ninety-four to one hundred and fifty-nine. The larger counties were divided; and the number of members adjusted with reference to the importance of the constituencies.

Another evil was the restricted and unequal franchise. This too was corrected. All narrow rights of election were set aside in boroughs; and a 10*l.* household franchise was established. The freemen of corporate towns were the only class of electors whose rights were reserved: but residence within the borough was attached as a condition to their right of voting. Those freemen, however, who had been created since March 1831, were excepted from the electoral privilege. Crowds had received their freedom, in order to vote against the reform candidates at the general election: they had served their purpose, and were now disfranchised. Birth or servitude were henceforth to be the sole claims to the freedom of any city, entitling freemen to vote.

The county constituency was enlarged by the addition of copyholders and leaseholders, for terms of years, and of tenants-at-will paying a rent of 50*l.* a year. The latter class had been added in the Commons, on the motion of the Marquess of Chandos, in opposition to the government. The object of this addition was to strengthen the interests of the landlords, which it undoubtedly effected: but as it extended the franchise to a con-

siderable class of persons, it was at least consistent with the liberal design of the reform act.

Another evil of the representative system had been the excessive expenses at elections. This too was sought to be mitigated by the registration of electors, the division of counties and boroughs into convenient polling districts, and the reduction of the days of polling.

It was a measure, at once bold, comprehensive, moderate, and constitutional. Popular, but not democratic: it extended liberty, without hazarding revolution. Two years before, Parliament had refused to enfranchise a single unrepresented town; and now this wide redistribution of the franchise had been accomplished! That it was theoretically complete, and left nothing for future statesmen to effect,—its authors never affirmed: but it was a masterly settlement of a perilous question. Its defects will be noticed hereafter, in recounting the efforts which have since been made to correct them; but whatever they were,—no law since the Bill of Rights, is to be compared with it in importance. Worthy of the struggles it occasioned,—it conferred immortal honour on the statesmen who had the wisdom to conceive it, and the courage to command its success.

The Reform Act, Scotland, 1832.

The defects of the Scotch representation, being even more flagrant and indefensible than those of England, were not likely to be omitted from Lord Grey's general scheme of reform. On the 9th March, 1831, a bill was brought in to amend the representation of Scotland: but the

discussions on the English bill, and the sudden dissolution of Parliament, interrupted its further progress. The same lot awaited it, in the short session of 1831: but in 1832, its success was assured in the general triumph of the cause.[1] The entire representation was remodelled. Forty-five members had been assigned to Scotland at the Union: this number was now increased to fifty-three, of whom thirty were allotted to counties, and twenty-three to cities and burghs. The county franchise was extended to all owners of property of 10*l.* a year, and to certain classes of leaseholders; and the burgh franchise to all 10*l.* householders.

The Reform Act, Ireland, 1832.

The representation of Ireland had many of the defects of the English system. Several rotten and nomination boroughs, however, had already been disfranchised on the union with England; and disfranchisement, therefore, did not form any part of the Irish Reform Act. But the right of election was taken away from the corporations, and vested in 10*l.* householders; and large additions were made to the county constituency. The number of members in Ireland, which the Act of Union had settled at one hundred, was now increased to one hundred and five.[2]

Further extension of the Irish franchise, 1850.

This measure was the least successful of the three great reform acts of 1832. Complaints were immediately made of the restricted franchise which it had created; and the number of electors registered, proved much less

[1] 2 & 3 Will. IV. c. 65.
[2] 2 & 3 Will. IV. c. 88. Hans. Deb., 3rd Ser., iii. 862; *Ibid.*, ix. 595; *Ibid.*, xiii. 119.

than had been anticipated. After repeated discussions, a measure was passed in 1850, by which the borough franchise was extended to householders rated at 8*l.*; and further additions were made to the county franchise.[1]

Political results of the Reform Acts

The representation of the country had now been reconstructed on a wider basis. Large classes had been admitted to the franchise; and the House of Commons represented more freely the interests and political sentiments of the people. The reformed Parliament was, unquestionably, more liberal and progressive in its policy than the Parliaments of old; more vigorous and active; more susceptible to the influence of public opinion; and more secure in the confidence of the people. But in its constitution grave defects still remained to be considered.

Bribery since the Reform Act

Prominent among the evils of the electoral system which have been noticed, was that of bribery at elections. For the correction of this evil the reform acts made no direct provision. Having increased the number of electors, the legislature trusted to their independence and public spirit in the exercise of the franchise; and to the existing laws against bribery. But bribery is the scandal of free institutions in a rich country; and it was too soon evident, that as more votes had been created, more votes were to be sold. It was not in nomination boroughs, or in boroughs sold in gross, that bribery had flourished; but it had been the vice of places where a small

[1] 13 & 14 Vict. c. 69

body of electors,—exercising the same privilege as proprietors,—sold the seats which, by their individual votes, they had the power of conferring.

The reform act had suppressed the very boroughs which had been free from bribery: it had preserved boroughs, and classes of voters, familiarised with corrupt practices; and had created new boroughs, exposed to the same temptations. Its tendency, therefore,—unless corrected by moral influences,—was to increase rather than diminish corruption, in the smaller boroughs. And this scandal,—which had first arisen out of the growing wealth of the country,—was now encouraged by accumulations of property, more vast than in any previous period in our history. If the riches of the nabobs had once proved a source of electoral corruption,—what temptations have since been offered to voters, by the giant fortunes of our age? Cotton, coal, and iron,—the steam-engine, and the railway,—have called into existence thousands of men, more wealthy than the merchant princes of the olden time. The riches of Australia alone, may now vie with the ancient wealth of the Indies. Men enriched from these sources have generally been active and public spirited,—engaged in enterprises which parliamentary influence could promote; ambitious of distinction,—and entitled to appeal to the interests and sympathies of electors. Such candidates as these, if they have failed to command votes by their public claims, have had the means of buying them; and their notorious wealth has excited the cupidity of electors. This great addition to the

opulent classes of society, has multiplied the means of bribery; and the extension of the franchise enlarged the field over which it has been spread. Nor was the operation of these causes sufficiently counteracted by such an enlargement of borough constituencies, as would have placed them beyond the reach of undue solicitation.

So far the moral and social evils of bribery may have been encouraged; but its political results have been less material. Formerly a large proportion of the members of the House of Commons owed their seats to corruption, in one form or another: since 1832, no more than an insignificant fraction of the entire body have been so tainted. Once the counterpoise of free representation was wanting: now it prevails over the baser elements of the constitution. Nor does the political conduct of members chosen by the aid of bribery, appear to have been gravely affected by the original vice of their election. Eighty years ago, their votes would have been secured by the king, or his ministers: now they belong indiscriminately to all parties. Too rich to seek office and emolument,—even were such prizes attainable,—and rarely aspiring to honours,—they are not found corruptly supporting the government of the day; but range themselves on either side, according to their political views, and fairly enter upon the duties of public life.

Sudbury and St. Albans disfranchised.

The exposure of corrupt practices since 1832, has been discreditably frequent; but the worst examples have been presented by boroughs of evil reputation, which the reform

Sudbury had long been foremost in open and unblushing corruption;[1] which being continued after the reform act, was conclusively punished by the disfranchisement of the borough.[2] St. Albans, not less corrupt, was, a few years later, wholly disfranchised.[3] Corrupt practices were exposed at Warwick,[4] at Stafford,[5] and at Ipswich.[6] In corporate towns, freemen had been the class of voters most tainted by bribery; and their electoral rights having been respected by the reform act, they continued to abuse them. At Yarmouth their demoralisation was so general, that they were disfranchised, as a body, by act of parliament.[7] But bribery was by no means confined to freemen. The 10*l.* householders, created by the reform act, were too often found unworthy of their new franchise. Misled by bad examples, and generally encouraged by the smallness of the electoral body, they yielded to the corrupt influences by which their political virtue was assailed. In numerous cases these constituencies,—when their offence was not sufficiently grave to justify a permanent disfranchisement,—were punished in a less degree, by the suspension of the writs.[8]

Measures for the prevention of Bribery.

Meanwhile, Parliament was devising means for the more general exposure and correction of such disgraceful practices. It was not enough that writs had been suspended, and the worst constituencies disfranchised: it was necessary for the credit of the House of Commons, and

1 See *supra*, p. 337.
2 7 & 8 Vict. c. 53.
3 15 & 16 Vict. c. 9.
4 Rep. of Committees, 1833, 295.
5 *Ibid.*, No. 537.
6 *Ibid.*, 1835, No. 286.
7 11 & 12 Vict. c. 24.
8 Warwick, Carrickfergus, Hertford, Stafford, Ipswich, &c.

of the new electoral system, that gross abuses of the franchise should be more effectually restrained.

The first measure introduced with this object, was that of Lord John Russell in 1841. Many members who had won their seats by bribery, escaped detection, under cover of the rules of evidence, then followed by election committees. These committees had,—not unnaturally,—required a preliminary proof that persons alleged to have committed bribery, were agents of the sitting member or candidate. Until such agency had been established, they declined to investigate general charges of bribery, which unless committed by authorised agents would not affect the election. When this evidence was wanting,—as it often was,—all the charges of bribery at once fell to the ground: the member retained his seat, and the corrupt electors escaped exposure. To obviate this cause of failure, the act of 1842,[1]—inverting the order of proceeding,—required committees to receive evidence generally upon the charges of bribery, without prior investigation of agency: and thus proofs or implications of agency were elicited from the general evidence. And even where agency was not established every act of bribery, by whomsoever committed, was disclosed by witnesses, and reported to the House.

Bribery Act, 1841.

While this measure facilitated the exposure of bribery, it often pressed with undue severity upon the sitting member. Inferences rather than proofs of agency having been accepted, members were held

[1] 5 & 6 Vict. c. 102.

[illegible]

forfeited their seats for the acts of unauthorised agents, without any evidence of their own knowledge or consent. In the administration of this law, committees,—so far from desiring to screen delinquents,—erred rather on the side of severity. The investigation of corrupt practices was also, incidentally, facilitated by the amendment of the law of evidence, which permits the personal examination of sitting members and candidates.[1]

Bribery Acts, 1842 and 1852.

The act of 1841 was followed by another, in the next year,[2] which provided for the prosecution of investigations into bribery, after an election committee had closed its inquiries, or where charges of bribery had been withdrawn. But this measure not having proved effectual, another act was passed in 1852,[3] providing for the most searching inquiries into corrupt practices, by commissioners appointed by the crown, on the address of the two Houses of Parliament. In the exposure of bribery,—and the punishment of its own members when concerned in it,—Parliament has shown no want of earnestness: but in the repression of the offence itself, and the punishment of corrupt electors, its measures were less felicitous. The disclosures of commissions were, too often, barren of results. At Canterbury one hundred and fifty-five electors had been bribed at one election, and seventy-nine at another: at Maldon, seventy-six electors had received bribes: at Barnstaple, two hundred and fifty-five: at Cambridge, one hundred and eleven;

[1] Lord Denman's Act; 14 & 15 Vict. c. 99.
[2] 5 & 6 Vict. c. 102.
[3] 15 & 16 Vict. c. 57.

and at Kingston-upon-Hull no less than eight hundred and forty-seven. At the latter place, 26,606*l.* had been spent in three elections. In 1854, bills were brought in for the prevention of bribery in those places, and the disfranchisement of the electors who had been proved to be corrupt.[1] But under the act which authorised these inquiries, voters giving evidence were entitled to claim an indemnity; and it was now successfully contended that they were protected from disfranchisement, as one of the penalties of their offence. These bills were accordingly withdrawn.[2] Again in 1858, a commission having reported that one hundred and eighty-three freemen of Galway had received bribes, a bill was introduced for the disfranchisement of the freemen of that borough; but for the same reasons, it also miscarried.[3]

Gloucester election, 1859.

In 1860, there were strange disclosures affecting the ancient city of Gloucester. This place had been long familiar with corruption. In 1816, a single candidate had spent 27,500*l.* at an election; in 1818, another candidate had spent 16,000*l.*; and now it appeared that at the last election in 1859, two hundred and fifty electors had been bribed, and eighty-one persons had been guilty of corrupting them.[4]

Wakefield election, 1859.

Up to this time, the places which had been distinguished by such malpractices, had returned members to Parliament prior to 1832: but in 1860, the perplexing discovery was made, that

[1] Hans. Deb., 3rd Ser., cxxxi. 1018
[2] *Ibid.*, cxxxiii. 1064
[3] *Ibid.*, cxlix. 378, &c.
[4] Rep. of Commissioners 1860

bribery had also extensively prevailed in the populous and thriving borough of Wakefield,—the creation of the reform act. Eighty-six electors had been bribed; and such was the zeal of the canvassers, that no less than ninety-eight persons had been concerned in bribing them.[1]

The writs for Gloucester and Wakefield were suspended, as a modified punishment of these corrupt places: but the House of Commons was as much at fault as ever, in providing any permanent correction of the evils which had been discovered.

Corrupt Practices Act, 1854.

In 1854, a more general and comprehensive measure was devised, for the prevention of corrupt practices at elections.[2] It restrained candidates from paying any election expenses, except through their authorised agents, and the election auditor; and provided for the publication of accounts of all such expenses. It was hoped that these securities would encourage, and perhaps enforce, a more legal expenditure; but they failed to receive much credit for advancing the cause of purity.

Bribery Act of 1858. Travelling expenses.

This temporary act was continued from time to time, and in 1858 was amended. The legality of travelling expenses to voters had *long* been a matter of doubt,—having received discordant constructions from different committees. The payment of such expenses might be a covert form of bribery; or it might be a reasonable accommodation to voters, in the proper exercise of their franchise. This doubt had not been settled by

[1] Rep. of Commissioners, 1860.

[2] 17 & 18 Vict. c. 102.

the act of 1854; but it had been adjudged in a court of law,[1] that the payment of travelling expenses was not bribery, if paid *bonâ fide* to indemnify a voter for the expenses he had incurred in travelling to the poll,—and not as a corrupt inducement to vote. The act of 1858, following the principle of this judgment,—but adding a further security for its observance,—permitted the candidate, or his agent appointed in writing, to provide conveyance for voters to the poll; but prohibited the payment of any money to voters themselves, for that purpose.[2] But it was objected at the time,—and the same objection has since been repeated,—that the legalising of travelling expenses, even in this guarded manner, tends to increase the expenses of elections; and this debatable question will probably receive further consideration from the legislature.

Policy of legislation concerning bribery.

It was the policy of these acts to define clearly the expenses which a candidate may lawfully incur, and to ensure publicity to his accounts. So far their provisions afforded a security to the candidate who was resolved to resist the payment of illegal expenses; and an embarrassment, at least, to those who were prepared to violate the law. That they were not effectual in the restraint of bribery, the subsequent disclosures of election committees, and commissions sufficiently attest. Though large constituencies, in some instances, proved themselves accessible to corruption, bribery prevailed most extensively in the smaller

[1] Cooper v. Slade; 6 E. and B., 447. Report on Elections, [illegible]
[2] 21 & 22 Vict. c. 87; further continued in 1862 [illegible]

boroughs. Hence it appeared that some remedy might be sought in the enlargement of electoral bodies, and the extension of the area of voting. To repress so grave an evil, more effectual measures were again devised:[1] but they may still be expected to fail, until bribery shall be unmistakably condemned by public opinion. The law had treated duelling as murder, yet the penalty of death was unable to repress it; but when society discountenanced that time-honoured custom, it was suddenly abandoned. Voters may always be found to receive bribes, if offered: but candidates belong to a class whom the influence of society may restrain from committing an offence, condemned alike by the law, and by public opinion.

Other questions affecting the constitution of Parliament, and the exercise of the elective franchise, have been discussed at various times, as well before as since the reform act, of 1832, and here demand a passing notice.

Duration of Parliaments.

To shorten the duration of Parliaments, has been one of the changes most frequently urged. Prior to 1694, a Parliament once elected, unless dissolved by the crown, continued in being until the demise of the reigning king. One of the Parliaments of Charles II. had sat for eighteen years. By the Triennial Act[2] every Parliament, unless sooner dissolved, came to a natural end in three years. On the accession of George I. this period was extended to seven years, by

The Septennial Act.

[1] In 1867-8, after the period comprised in this history, a wide extension of the suffrage was conceded, and another act was passed for repressing corrupt practices at elections.

the well-known Septennial Act.[1] This act, though supported on the ground of general expediency, was passed at a time of political danger;—when the country had scarcely recovered from the rebellion of 1715, and the Jacobite adherents of the Pretender were still an object of apprehension to the government.[2]

In the reign of George II. attempts were made to repeal the septennial act;[3] and early in the next reign, Alderman Sawbridge submitted motions, year after year, until his death, for shortening the duration of Parliaments. In 1771 Lord Chatham 'with the most deliberate and solemn conviction declared himself a convert to triennial Parliaments.'[4] The question afterwards became associated with plans of parliamentary reform. It formed part of the scheme proposed by the 'Friends of the People' in 1792. At that period, and again in 1797, it was advocated by Mr. Grey, in connection with an improved representation, as one of the means of increasing the responsibility of Parliament to the people.[5] The advocates of a measure for shortening the duration of Parliaments, were not then agreed as to the proper limit to be substituted: whether one, three, or five years.[6] But annual Parliaments have generally been embraced in schemes of radical reform.

In times more recent, the repeal of the Septennial

[1] 1 Geo I c 38.

[2] Parl Hist, vii. 311; Boyer's Political State of Great Britain, xi. 428: Preamble of Act.

[3] *In 1734 and 1741*

[4] Parl Hist., xvii 223.

[5] *Ibid*, xxxiii. 650.

[6] Rockingham Mem., ii.

Act—as a distinct question of public policy—has often been fairly and temperately discussed in Parliament. In 1817, Mr. Brougham gave notice of a motion on the subject; but did not bring it forward. In 1818, Sir Robert Heron moved for leave to bring in a bill, and was supported by Sir Samuel Romilly and Mr. Brougham; but the proposal met with little favour or attention.[1] The subject was not revived until after the passing of the reform act. It was then argued with much ability by Mr. Tennyson, in 1833, 1834, and 1837; and on each occasion met with the support of considerable minorities.[2] On the last occasion, the motion was defeated by a majority of nine only.[3] It did not, however, receive the support of any of the leading statesmen, who had recently carried parliamentary reform. That measure had greatly increased the responsibility of the House of Commons to the people; and its authors were satisfied that no further change was then required in the constitution of Parliament. In 1843, Mr. Sharman Crawfurd revived the question; but met with scant encouragement.[4] Lastly, in 1849, Mr. Tennyson D'Eyncourt obtained leave to bring in a bill, by a majority of five.[5] *But notwithstanding this unexpected success*, the question, if discussed elsewhere as a matter of theoretical speculation, has since ceased to occupy the attention of Parliament.

[1] Hans. Deb., 1st Ser., xxxviii. 802.
[2] *Ibid.*, 3rd Ser., xix. 1107; *Ibid.*, xxiii. 1036; *Ibid.*, xxxviii. 680.
[3] Ayes, 87; Noes, 96.
[4] Hans. Deb., 3rd Ser., lxix. 490.
[5] Ayes, 46; Noes, 41. *Ibid.*, cv. 848.

The repeal of the septennial act has been repeatedly advocated on the ground that the Parliament of George I. had abused its trust, in prolonging its own existence; and that, even admitting the overruling necessity of the occasion,—the measure should at least have been temporary. To this it has been answered, that if any wrong was done, it was committed against the people of that day, to whom no reparation can now be made. But to contend that there was any breach of trust, is to limit the authority of Parliament, within bounds not recognised by the constitution. Parliament has not a limited authority,—expressly delegated to it: but has absolute power to make or repeal any law; and every one of its acts is again open to revision. Without a prior dissolution of Parliament, the Unions of Scotland and Ireland were effected, at an interval of nearly a century,—measures involving the extinction of the Parliaments of those countries, and a fundamental change in that of England, much greater than the septennial act had made. That act could have been repealed at any time, if Parliament had deemed it advisable; and no other ground than that of expediency, can now be reasonably urged, for shortening the duration of Parliaments.

Arguments against the Septennial Act

The main ground, however, on which this change has been rested, is the propriety of rendering the representatives of the people more frequently accountable to their constituents. The shorter the period for which authority is entrusted to them,—the more guarded would they be in its exercise, and

the more amenable to public opinion. It is said that a Parliament cannot be trusted, if independent of the people, and exposed to the influence of ministers, for seven years. And again, the circumstances of the country are likely to be changed during so prolonged a period: and the conduct of members, approved at first, may afterwards be condemned.

Arguments against change.

On the other side it has been argued, that in practice no Parliament is permitted to continue longer than six years: and that frequent dissolutions have reduced Parliaments, at several periods, to an average duration of three, or four years.[1] If Parliaments were elected for three years only, they would often be reduced by various contingencies, to annual Parliaments. They are already elected often enough to make them responsible to their constituents: and more frequent elections would unduly foment political excitement, and increase the expenses of elections, which are already a just ground of complaint.

Of late years, the popularity of this question has declined,—not so much on account of any theoretical preference for septennial Parliaments, as from a conviction that the House of Commons has become accountable to the people, and prompt in responding to their reasonable desires.

[1] Sir Samuel Romilly stated, in 1818, that out of eleven Parliaments of Geo. III. eight had lasted six years. Hans. Deb., 1st Ser., xxxviii. 802. But later periods present a different result. From the accession of Will. IV., in 1830, to 1860—a period of thirty years—there were no less than ten Parliaments, showing an average duration of three years only.

The 'ballot' was another question repeatedly debated in Parliament, and a popular topic at the hustings, at public meetings, and in the newspaper press. No sooner had the reform act passed, than complaints were made that the elective franchise, so recently enlarged, could not be freely exercised. It was said that the landlords in counties, and wealthy customers in towns, coerced the free will of the electors, and forced them to vote against their opinions and consciences. As a protection against such practices, the necessity of secret voting was contended for. To give the franchise, without the means of exercising it, was declared to be a mockery.

Vote by ballot.

It was not for the first time that the influence now complained of, had been exerted over electors. It had formerly been recognised as one of the natural rights of property. It was known that a few landowners could nominate the county members. They conducted the freeholders to the poll, as naturally as a Highland chieftain led forth his clan to the foray. But now a new electoral policy had been commenced. The people at large had been enfranchised; and new classes of electors called into existence. The political ties which had bound the electors to the landlords were loosened; and the latter, being deprived of their absolute ascendency, endeavoured to sustain it by other means. The leaseholders enfranchised by the reform act, being the most dependent, were the very class peculiarly needing protection. The ballot had been called by Cicero the silent assertor of freedom,—*tabella, vindex tacita libertatis*; and it was now proposed, in order to ensure freedom of election.

The ballot has been sought mainly for the protection of voters from intimidation and undue influence; but it has also been recommended as a safeguard against bribery. It has been resisted by arguments too various to be briefly reviewed. The strongest, perhaps, is that every political function being publicly and responsibly exercised, and every debate and vote in Parliament published for the information of the people,—electors can scarcely claim an exemption from that law of publicity, to which their rulers and representatives are subject. Why are they alone, to be irresponsible? Apart from theory, its practical efficacy has also been denied. It has been said that if intimidation were intended, means would be taken to discover the votes of electors, in spite of all the machinery of the ballot. Nor would bribery be prevented, as a candidate would secure fulfilment of corrupt promises, by making his payment for votes contingent upon his success at the poll.

The advocates of the ballot, perhaps, exaggerated the advantages of their favoured scheme, while its opponents magnified its evils and its dangers.' It was a measure upon which sincere reformers were honestly divided. At times, it made progress in the number and influence of its supporters. Yet such were its vicissitudes, that it was long difficult for a political observer to divine, whether it would be suddenly adopted,—in the crisis of some party struggle,—or be laid aside as a theory for the disputation of pamphleteers, and debating societies.

In 1833, Mr. Grote took possession of the ques-

tion of the ballot;[1] and from that time until 1839, he continued to advocate the cause, in a series of temperate and philosophical speeches,—as creditable to his political wisdom, as to his learning and ability. He argued in the calm and earnest spirit of the theoretical statesman; not with the fierce temper of the democrat. His honest labours greatly advanced the popularity of the cause, and improved its parliamentary position. In 1833, he found but one hundred and six supporters;[2] in 1839, he had two hundred and sixteen.[3] Mr. Grote having retired from Parliament, the question was not allowed to be forgotten. In 1842, Mr. Ward adopted it;[4] and from 1848, Mr. Henry Berkeley made it his own.[5] With ample stores of fact and anecdote, and with varied resources of humour, he continued to urge on the question, year after year; but with failing support.

In 1848, his motion was carried by a majority of five.[6] In 1849, it was defeated by a majority of fifty-one: in 1852, by a majority of one hundred and two; and in 1860, by a majority of one hundred and seven. Such reaction of opinion, upon a popular measure, appeared to be more significant of ultimate failure, than a steady position, without progress indeed, yet without reverses. The revival

[1] The Radicals first advocated vote by ballot, about 1817, as part of their scheme of reform; *Edinb. Rev.*, June 1818, p. 199.

[2] Hans. Deb., 3rd Ser., xvii. 608—Ayes, 106; Noes, 211; *Ibid.*, xxviii. 369; *Ibid.*, xxxiv. 781; *Ibid.*, xxxvii. 7; *Ibid.* (1838), xl. 113.

[3] *Ibid.*, xlviii. 442—Ayes, 216; Noes, 333.

[4] *Ibid.*, lxiv. 348.

[5] *Ibid.*, c. 122.

[6] Ayes, 86; Noes, 81.

of the question, under more favourable auspices, was reserved for a later period, and new political conditions.[1]

Qualification Acts.

Since the reform act, the qualification laws,—which in different forms had existed for one hundred and fifty years,—have passed away. It was ostensibly to correct the evils of bribery at elections, that property in land was first proposed as a qualification for a member of Parliament. The corruption of boroughs being mainly due to the intrusion of rich commercial men, without local connection, the natural jealousy of the landowners suggested this restraint upon their rivals. In 1696, the first measure to establish a qualification in land, was received with so much favour, that it passed both Houses; but the king, leaning rather to the commercial interests, withheld his assent. In the following year, a similar bill was passed by the Commons, but rejected by the Lords, who had now begun to think that a small landed qualification would increase the influence of the squires, but diminish the authority of the great nobles, who filled the smaller boroughs with members of their own families, and dependents.

The policy of excluding all but the proprietors of land, from the right of sitting in the House of Commons, was at length adopted in the reign of Queen Anne,[2] and was maintained until 1838. In that year this exclusive principle was surrendered; and a new qualification substituted, of the same amount,

[1] See also Introductory Chapter.
[2] 9 Anne, c. 5; 33 Geo. II. c. 15.

either in real or personal property, or in both combined.[1] In 1858, the law of property qualification was abandoned altogether.[2] In its original form, it had been invidious and unjust; and, from its beginning to its end, it had been systematically evaded. It would probably not have survived so long the jealousies from which it had sprung, had it not been invested with undue importance, by radical reformers. But when the repeal of this insignificant law was proclaimed as one of the five points of the 'Charter,' it is not surprising that more moderate politicians should have regarded it as one of the safeguards of the constitution.

Proceedings at elections improved.

After the passing of the reform act, of 1832, various minor amendments were made in the electoral laws. The registration of electors was improved and simplified,[3] the number of polling-places was increased,[4] and the polling reduced, in counties as well as in boroughs, to a single day.[5] Even the Universities, which had retained their fifteen days of polling, were glad to accept five days, in 1853.

Promptitude in election proceedings was further ensured by the change of some ancient customs. The prescriptive period of forty days between the summons of a new Parliament and its meeting,—enlarged by custom to fifty days since the union with Scotland,—having become an anomaly in an age of railways and telegraphs, was reduced to thirty-five.[6]

[1] 1 & 2 Vict. c. 48.
[2] 21 & 22 Vict. c. 26.
[3] 6 & 7 Vict. c. 18.
[4] 6 & 7 Will. IV. c. 102.
[5] 5 & 6 Will. IV. c. 36; 16 & 17 Vict. c. 15.
[6] By Lord Brougham's Act, 1852; 15 Vict. c. 23.

Another ancient custom also gave way to a more simple procedure; the writs for an election are addressed direct to the several returning officers, instead of passing through the sheriff of the county.[1]

Later measures of reform.

A more general revision of the representative system, as settled by the reform acts of 1832, was also the aim of several administrations, and Parliaments. For some years, there had been a natural reluctance to disturb the settlement which those important measures had recently effected. The old Whig party had regarded it as a constitutional charter, and contended for its 'finality.' But their advanced Liberal supporters,—after many discussions in Parliament, and much agitation and 'pressure from without,'—at length prevailed over the more cautious policy of their leaders; and a promise was given, in 1851, that the consideration of the representative system should, at a fitting opportunity, be resumed.[2]

Reform Bill of 1852.

In fulfilment of this promise, Lord John Russell,—twenty years after the settlement of 1832,—proposed its further revision. That measure had not proposed to redistribute the franchise, in precise correspondence with the population of different parts of the country. Not founded upon theoretical views of equal representation, it had not assumed to frame a new constitution; but had provided a remedy for the worst evils of a faulty and corrupt electoral system. It had rescued the repre-

[1] 16 & 17 Vict. c. 78.

[2] Speech of Lord John Russell, 20th Feb. 1851; Hans. Deb., 3rd Ser., cxiv. 863. See also Speech 20th June, 1848: *Ibid.*, xcix. 929.

sentation from a small oligarchy of peers and landowners; and had vested it in the hands of the middle classes. But it had spared many boroughs, which were perhaps too small to exercise their suffrage independently: it had overlooked the claims of some considerable places; and had not embraced the working classes within its scheme of enfranchisement. Lord John Russell now sought to correct these partial defects, which time had disclosed in the original measure.

He proposed that every existing borough, having less than five hundred electors, should be associated with adjacent places, in the right of returning members; and that Birkenhead and Burnley should be enfranchised. In twenty years there had been a vast increase of population, wealth, and industry, throughout the country. The spread of education and political enlightenment had been rapid: a more instructed generation had grown up; and a marked improvement had arisen, in the social condition of the working classes. It was, therefore, thought right and safe to lower the franchise so far as to embrace classes not hitherto included, and particularly the most skilled artisans,—men who had given proof of their intelligence and good conduct, by large earnings, and a high position among their fellow workmen. With this view, it was proposed to extend the borough franchise to the occupiers of houses of *5l.* rated value; and the county franchise to tenants-at-will rated at *20l.*, and copyholders and leaseholders rated at *5l.* It was also intended to create a new franchise, arising out of the annual payment of 10*s.*

in direct taxes to the state. Lord John Russell's administration soon afterwards resigned; and this measure was withdrawn before the second reading.[1]

Reform Bill of 1854.

In 1854, Lord John Russell, as a member of Lord Aberdeen's government, proposed another measure, more comprehensive than the last. It comprised the disfranchisement of nineteen small boroughs, returning twenty-nine members; the deprivation of thirty-three other boroughs of one of their members: and the redistribution of the vacant seats, sixty-six in number,[2] amongst the counties and larger boroughs, the Inns of Court, and the University of London. It proposed to reduce the franchise in counties to 10*l.*; and in boroughs to the municipal rating franchise of 6*l.* Several new franchises were also to be added, in order to modify the hard uniformity of the household franchise. A salary of 100*l.* a year: an income of 10*l.* from dividends: the payment of 40*s.* in direct taxes: a degree at any of the universities: and 50*l.* in a savings bank, were accounted sufficient securities for the proper exercise of the suffrage. In the distribution of seats a novel principle was to be established, with a view to ensure the representation of minorities. Some counties and other large places were to return three members each: but no elector would be entitled to vote for more than two candidates out of three. This theory of representation,—though very ably advocated by some speculative writers,[3]—found little

[1] Hans. Deb., 3rd Ser., cxix. 252, 271: Bill, No. 45, of 1852.
[2] Including the vacant seats of Sudbury and St. Albans.
[3] Minorities and Majorities; their relative Rights, by James Garth

favour in Parliament, at that time, with men accustomed to determine every disputed question among themselves, by the votes of the majority. The consideration of this measure was postponed, by the outbreak of the war with Russia.[1]

The Reform Bill of 1859

The next measure of parliamentary reform was proposed in 1859, by the government of the Earl of Derby. That statesman,—having been one of the most eloquent, spirited, and courageous of Earl Grey's colleagues in 1832,—was now the leader of the great Conservative party, which had opposed the first reform act. But his party, deferring to the judgment of Parliament, had since honourably acquiesced in that settlement. Meanwhile, the revision of that measure had been thrice recommended from the throne; and three successive administrations had been pledged to undertake the task. Some scheme of reform had thus become a political necessity. The measure agreed upon by ministers, and the principles upon which it was founded, were ably explained by Mr. Disraeli. It was not sought to reconstruct the representation of the country, solely on the basis of population and property: but having reference to those material elements, as well as to the representation of various interests, and classes of the community,—this measure comprehended some considerable changes. It was not proposed wholly to disfranchise any borough: but one member was to be taken from fifteen

Marshall, 1853; Edinb. Rev., July 1854, Art. VII.; and more lately Hare on the Election of Representatives, 1859.

[1] Hans. Deb., 3rd Ser., cxxx. 491; *Ibid*, cxxxi. 277.

boroughs, having a population under six thousand. Eight of the vacant seats were assigned to the great county populations of Yorkshire, South Lancashire, and Middlesex; and seven to new boroughs, which according to this scheme, would complete the representation of the several interests of the country.

The two previous measures of Lord John Russell had contemplated a reduction of the borough franchise. No such reduction was now proposed: but the franchise in counties was assimilated to that in boroughs. Hitherto the borough franchise had been founded upon occupation; and the county franchise generally upon property. This distinction it was now proposed to abolish; and to substitute an identity of franchise between the county and the town. The 40*s*. freeholders resident in towns, would be transferred from the constituency of the county, to that of the town. Several new franchises were also to be created, similar to those proposed in 1854, but more comprehensive. Men possessed of 10*l*. a year arising from dividends: 60*l*. in a savings bank; or a pension of 20*l*. a year,—equal to 8*s*. a week: graduates of all universities: ministers of religion of every denomination: members of the legal profession in all its branches: registered medical practitioners: and schoolmasters holding a certificate from the Privy Council, were to be entitled to vote, wherever they were resident. And facilities for exercising the franchise were to be afforded by means of voting papers.[1]

This scheme encountered objections from two different quarters. Two influential members of the government,—Mr. Walpole and Mr. Henley,—alarmed by the proposed identity of franchise, in counties and boroughs, resigned their seats in the cabinet.[1] The opposition, partly taking up the same ground, were unwilling to deprive the 40*s.* freeholders resident in boroughs, of their county votes; and insisted upon the lowering of the borough suffrage. The government, weakened by these resignations, had now to meet a formidable amendment, moved by Lord John Russell on the second reading of the bill, which expressed the views of the opposition. The identity of franchise was objected to by Mr. Walpole and Mr. Henley, on account of the supposed danger of drawing one broad line between the represented, and the unrepresented classes. Lord John Russell concurred in this objection, believing that such a principle would eventually lead to electoral districts. He also opposed the bill on two other grounds: first, that the 40*s.* freeholders, being the most liberal element in the county constituencies, ought not to be disfranchised; and secondly, that their admission to the borough franchise would encourage the manufacture of faggot votes,—like the old burgage-tenure, which had been the means of extending the influence of patrons. He objected to the continuance of the 10*l.* household suffrage in boroughs, on the ground that considerable classes of people, worthy to be entrusted with votes, had sprung up since that franchise had

Objections urged against this measure.

[1] Hans. Deb., 3rd Ser., cli. 1058.

been established. After seven nights' debate, th amendment was carried by a majority of thirty-nine Upon the issue raised by this decision, the goverr ment determined to dissolve Parliament, and appea to the people.[2] On the assembling of a new Parlia ment, ministers having failed to secure a majorit at the elections, were at once driven from office b an amendment to the address, declaring that they ha not the confidence of the House of Commons.[3]

Reform Bill of 1860.

And now the question of reform was resumed, onc more, by Lord John Russell, on behalf c Lord Palmerston's administration. On th 1st March 1860, he introduced a bill, in accordanc with the spirit of the amendment by which he ha destroyed the measure of the previous year: bu differing materially from the bills of 1852 and 1854 Like the scheme of Lord Derby's government, i spared all the smaller boroughs. None were to b disfranchised: but it deprived twenty-five boroughs with a population under seven thousand, of one o their members. This disfranchisement fell far short of that proposed in 1854; and it was avowed that i any more places had been condemned, their representatives, combining with the Conservative opposition, would have succeeded in defeating the bill. I such was now the difficulty of contending with these personal and local interests, what must have been the difficulties of Mr. Pitt in 1784, and of Lord Grey in 1832? One minister vainly attempted to buy off his opponents: the other overcame them by strong

[1] Hans. Deb., 3rd Ser., cliii. 389–1157.
[2] *Ibid.*, 1301.
[3] *Ibid.*, cliv. 98–297.

popular support. The first expedient was now wholly out of the question: the latter source of strength was wanting.

Fifteen of the vacant seats were distributed amongst the counties; and ten given to the larger cities, and some new boroughs. The 50*l.* occupation franchise in counties, was reduced to a 10*l. bonâ fide* holding. The 10*l.* borough franchise was lowered to 6*l.*, avowedly for the purpose of comprehending many of the working classes. It was calculated that the new franchise would add two hundred thousand electors to the cities and boroughs. None of the varied franchises, which had formed part of the bills of 1854 and 1859, were again proposed. Sneered at as 'fancy franchises,' and distrusted as the means of creating fictitious votes, they were now abandoned; and the more rude, but tangible tests of good citizenship inflexibly maintained.[1]

Bill lost by delays and indifference.

This bill was defeated, neither by adverse majorities, nor by changes in the government: but by delays, and the pressure of other important measures. It was not until the 3rd of May,—after six adjourned debates,—that it was read a second time, without a division. Discussions were renewed on going into committee; and at length, on the 11th June, the bill was withdrawn.[2] Bills to amend the representation in Scotland and Ireland, which had been hopelessly awaiting discussion, had already been abandoned.[3]

[1] Hans. Deb., 3rd Ser., clvi. 2050.
[2] *Ibid.*, clix. 226.
[3] *Ibid.*, clix. 143.